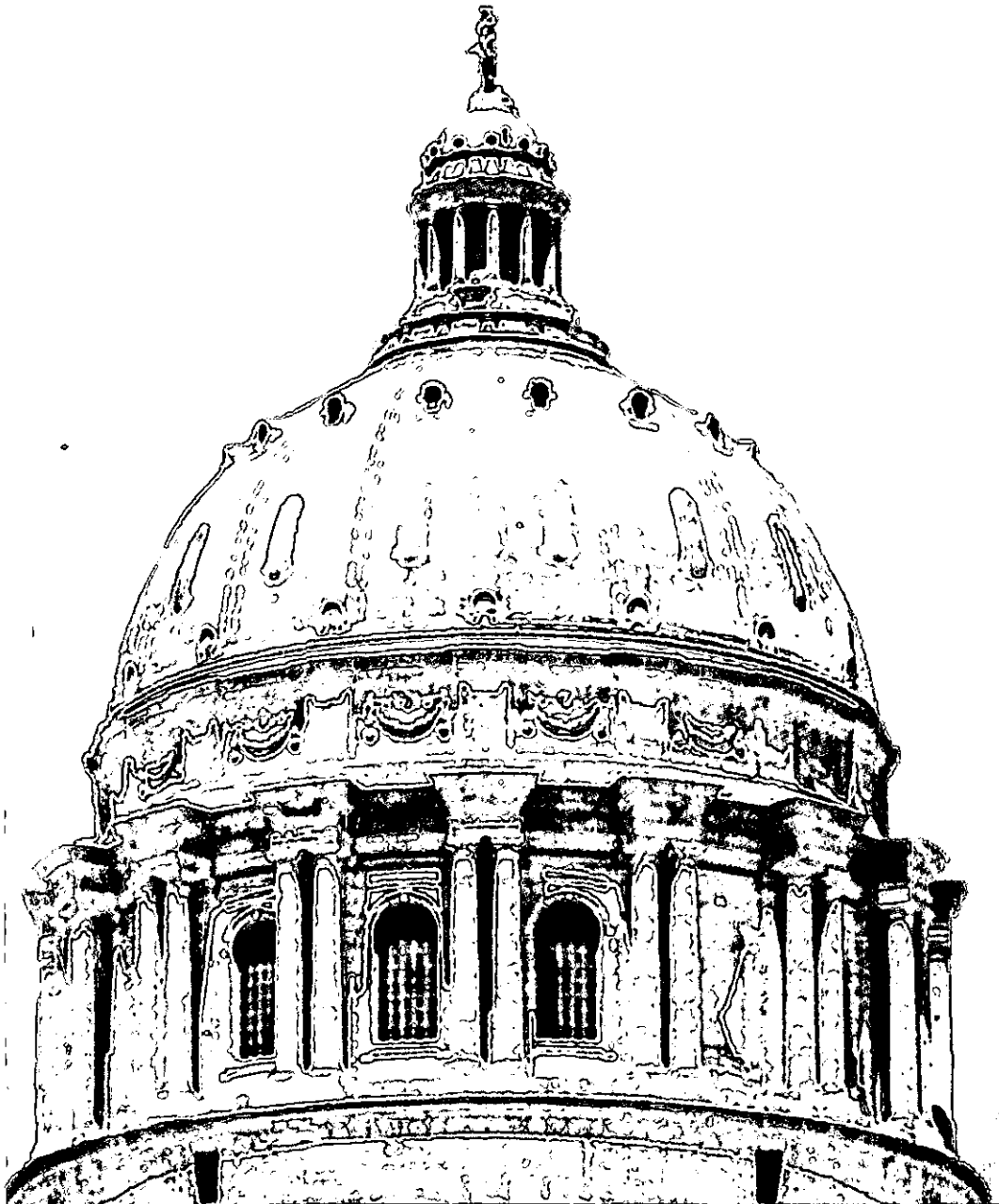


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JUDITH K. MORIARTY
SECRETARY OF STATE

✓
**RETURN TO RESOURCE CENTER
INTERNATIONAL FOUNDATION
FOR ELECTORAL SYSTEMS
1101 15th STREET, NW 3rd FLOOR
WASHINGTON, DC 20005**



1994 MISSOURI ELECTION LAWS

Chapter 115

Published by
Judith K. Moriarty
Secretary of State

AUTHORITY FOR PUBLICATION

115.413. Secretary of State to furnish election authorities election laws pamphlets, each polling place to have a copy—instructions to election judges may be furnished.—1. Not later than the tenth day prior to each presidential election, and more often if necessary, the secretary of state shall furnish to each election authority a sufficient number of printed pamphlets containing the provisions of the constitution and laws of the state relating to elections. *Each election authority shall carefully preserve the pamphlets in its office. At least one copy shall be provided by each election authority to each polling place in its jurisdiction at each election. After each election, all such pamphlets shall be returned to the office of the election authority with the election supplies.*

2. The secretary of state may also publish instructions to election judges for distribution by election authorities to election judges.

Chapter 115

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INTENT OF ACT AND DEFINITIONS

115.001. Short title.—Sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, shall be known as the “Comprehensive Election Act of 1977”.

(L. 1977 H.B. 101 §1.001)

Effective 1-1-78

**Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of “this act”.*

(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.003. Purpose clause.—The purpose of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.

(L. 1977 H.B. 101 §1.005)

Effective 1-1-78

**Ibid.*

115.005. Scope of act.—Notwithstanding any other provision of law to the contrary, sections 115.001 to 115.641 shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

(L. 1977 H.B. 101 §1.010, A.L. 1978 H.B. 971)

115.007. Presumption against implied repealer.—No part of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

(L. 1977 H.B. 101 §1.015)

Effective 1-1-78

**Ibid.*

115.009. Effective date of act January 1, 1978.—The effective date of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, shall be January 1, 1978. Any amendment made to a provision repealed by sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, shall remain in force only until January 1, 1978.

(L. 1977 H.B. 101 §1.020)

Effective 1-1-78

**Ibid*

115.011. Rules, suspension and reinstatement—procedure—suspension not applied to elections held within ninety days.—Any rule or portion of a rule promulgated pursuant to sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor. Whenever any rule or portion of a rule promulgated pursuant to sections 115.001 to 115.641 or sections 51.450 and 51.460, RSMo, is suspended by the joint committee on administrative rules, such suspension shall not apply to or affect any election scheduled to be held within ninety days of the action of the joint committee.

(L. 1977 H.B. 101 §1.020, A.L. 1981 S.B. 200)

115.013. Definitions.—As used in sections 115.001 to 115.641, unless the context clearly implies otherwise, the following terms shall mean:

(1) **“Automatic tabulating equipment”** includes the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) **“Ballot”** includes the ballot card or paper ballot on which each voter may cast all votes to which he is entitled at an election;

(3) **“Ballot card”** is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) **“Ballot label”** is the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) **“Counting location”** is a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) **“County”** means any one of the several counties of this state or the city of St. Louis;

(7) **“Disqualified”** shall apply to any candidate whose name is stricken or withheld from the ballot by an election authority or court order for reason of ineligibility for office and whose name has not been restored to the ballot by the election authority or court order;

(8) **“District”** means an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policymaking body with representatives of other areas in the state or political subdivision;

(9) **“Electronic voting system”** is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment;

(10) **“Established political party”** for the state shall mean a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office; “established political party” for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) **“Federal office”** means the office of presidential elector, United States senator, or representative in Congress;

(12) **"Independent"** shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) **"Major political party"** means the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) **"Marking device"** is either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device for marking paper ballots with ink or other substance which will enable the votes to be counted by automatic tabulating equipment;

(15) **"New party"** shall mean any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(16) **"Nonpartisan"** shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(17) **"Political party"** shall mean any established political party and any new party;

(18) **"Political subdivision"** means a county, city, town, village, or township of a township organization county;

(19) **"Polling place"** means the voting place designated for all voters residing in one or more precincts for any election;

(20) **"Precincts"** means the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(21) **"Public office"** means any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public;

(22) **"Question"** means any measure on the ballot which can be voted "YES" or "NO";

(23) **"Relative within the second degree by consanguinity or affinity"** includes a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

(24) **"Special district"** means any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed under the laws of Missouri to provide limited, specific services;

(25) **"Special election"** includes elections called by any school district, water district, fire protection district, or other district formed under the laws of Missouri to provide limited, specific services;

(26) **"Voting district"** means the one or more precincts within which all voters vote at a single polling place for any election.

(L. 1977 H.B. 101 §1.025, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al.)

ELECTION AUTHORITIES

115.015. Election authority established and defined.—The county clerk shall be the election authority, except that in a city or county having a board of election commissioners, the board of election commissioners shall be the election authority.

(L. 1977 H.B. 101 §2.001)

Effective 1-1-78

115.017. Election commissioners, where.—There shall be a board of election commissioners:

- (1) In each county which has or hereafter has over nine hundred thousand inhabitants;
- (2) In each city not situated in a county;
- (3) In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county;
- (4) In each county of the first class containing any part of a city which has over three hundred thousand inhabitants;
- (5) In each county of the first class which elects to have such a board through procedures provided in section 115.019.

*(L. 1977 H.B. 101 §2.005)
Effective 1-1-78*

115.019. Voters may petition to establish a board of election commissioners, procedure—form of petition.—1. Any group of registered voters from any county of the first class not having a board of election commissioners may circulate a petition for the formation of a board.

2. The petition shall be signed by the number of registered voters in the county equal to at least fifteen percent of the total votes cast in the county for governor at the last gubernatorial election.

3. Petitions proposing the formation of a board of election commissioners in any county of the first class shall be filed with the election authority of the county not later than 5:00 p.m. on the tenth Friday preceding a general election.

4. Each petition for the formation of a board of election commissioners shall consist of sheets of uniform size. The space for signatures on either side of a petition page shall be no larger than 8½ x 14 inches, and each page shall contain signatures of registered voters from only one county. Each page of each petition for the formation of a board of election commissioners shall be in substantially the following form:

To the Honorable, county clerk of County:

We, the undersigned, citizens and registered voters of County, respectfully order that the following question be placed on the official ballot, for acceptance or rejection, at the next general election to be held on the day of, 19 .. :

“Should a board of election commissioners be established in County to assume responsibility for the registration of voters and the conduct of elections?”;

and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County; my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....
Signature of Affiant
(Person obtaining signatures)

.....
Address of Affiant

Subscribed and sworn to before me this day of, A.D. 19....

.....
Signature of Notary

Notary Public (Seal)
My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

5. The validity of each petition filed under provisions of this section shall be determined in the manner provided for new party and independent candidate petitions in sections 115.333, 115.335 and 115.337.

6. Upon the filing of a valid petition for the formation of a board of election commissioners, it shall be the duty of the election authority to have the following question placed on the official ballot, in the same manner other questions are placed, at the next general election:

"Should a board of election commissioners be established in County to assume responsibility for the registration of voters and the conduct of elections?"

7. The votes for and against the question shall be counted and certified in the same manner as votes on other questions.

8. If the question is approved by a majority of the voters at the election, a board of election commissioners shall be appointed as provided in this subchapter and shall have the same rights and responsibilities provided by law for all boards of election commissioners.

9. Any person who is a registered voter of a county of the first class not* having a board of election commissioners may sign a petition for the formation of a board in the county. Any person who signs a name other than his own to any petition or knowingly signs his name more than once to the same petition or who knows he is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of this section shall be guilty of a class two election offense.

(L. 1977 H.B. 101 §2.010, A.L. 1986 H.B. 1471, et al.)
*Word "not" does not appear in original rolls. Apparently a typographical error.

115.021. Jurisdiction of election boards.—1. In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3. In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

4. In all other counties, the election authority shall have jurisdiction throughout the county.

(L. 1977 H.B. 101 §2.015)

Effective 1-1-78

115.023. Election authority to conduct all elections—which authority, how determined.—1. Except as provided in subsections 2, 3 and 4 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in section 115.127 or 115.521.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and shall have all powers and duties granted under the provisions of sections 115.001 to 115.641, except the provisions of sections 115.133 to 115.223 and sections 115.279 and 115.297, in the area outside its jurisdiction.

4. The clerk or secretary of any political subdivision or special district shall conduct an election for the political subdivision or special district if the political subdivision or special district is wholly located in a county or counties without a board of election commissioners, if the political subdivision or special district does not overlap another political subdivision or special district conducting an election on the same day and if directed to do so by the governing body of the political subdivision or special district. No later than 5:00 p.m. on the eighth Tuesday prior to any political subdivision or special district election conducted by the clerk or secretary of the political subdivision or special district pursuant to this subsection, the political subdivision or special district calling the election shall notify the county clerks otherwise responsible for conducting the election. The notice shall be in writing and shall include the name of the political subdivision or special district calling the election and a statement the political subdivision or special district intends to conduct its own election. If proper notice is not received by a county clerk by the time specified, the county clerk shall conduct the political subdivision or special district election for that part of the political subdivision or special district located in its county. Before conducting an election under the provisions of this subsection, the political subdivision or special district shall notify the county clerk as provided and by the time provided in section 115.125. In conducting such elections, the clerk or secretary of the political subdivision or special district shall have all powers and duties granted to county clerks under the provisions of sections 115.001 to 115.641, except the provisions of section 115.113 and sections 115.133 to 115.223. For the purposes of this subsection, the jurisdiction of the clerk or secretary shall be the political subdivision or special district.

5. Notwithstanding the provision of section 493.030, RSMo, whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required under sections 115.001 to 115.641, a newspaper publishing such notice shall charge and receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty days preceding publication of the particular notice to which it is applied.

(L. 1977 H.B. 101 §2.020, A.L. 1978 H.B. 971, A.L. 1983 S.B. 234)

115.027. Election commissioners, how appointed.—Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

*(L. 1977 H.B. 101 §2.025)
Effective 1-1-78*

115.029. Election commissioners, when appointed, term of office.—1. In each county of the first class containing the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on April 21, 1982, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn.

*(L. 1977 H.B. 101 §2.030)
Effective 1-1-78*

115.031. Election commissioner, qualifications of.—Each election commissioner shall be a registered voter and a resident of the jurisdiction for which he is appointed for at least one year preceding his appointment. During his term of office, no commissioner shall hold any statutory position within a political party or on a political committee, be a candidate for political office or hold any other public office.

*(L. 1977 H.B. 101 §2.035)
Effective 1-1-78*

115.033. Oath of office, bond, election commissioners.—Before entering upon his duties, each commissioner shall take and subscribe an oath to support the Con-

stitution of the United States and of this state and to demean himself faithfully and impartially in office. Before entering upon his duties, each commissioner shall give bond to the state in the sum of ten thousand dollars, with security to be approved by the governor, conditioned for the faithful and honest performance of his duties and the care and preservation of the board's property. Not later than thirty days after a commissioner is sworn, his oath and bond shall be filed with the secretary of state.

(L. 1977 H.B. 101 §2.040)
Effective 1-1-78

115.035. Compensation of election commissioners.—1. In each county which has over nine hundred thousand inhabitants, each election commissioner shall receive a salary of seven thousand two hundred dollars per year, payable from the county revenue.

2. In each city not situated in a county, each election commissioner shall receive a salary of six thousand dollars per year, except the chairman and the secretary of the board, who shall each receive a salary of seven thousand five hundred dollars per year, payable from the city revenue.

3. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable from the county revenue.

4. In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable one-half from the city revenue and one-half from the revenue of the county containing the major portion of the city.

5. In each county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, each election commissioner shall receive a salary of four thousand eight hundred dollars per year, paid proportionally from the city revenue and the county revenue. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census.

6. In all other counties which now or hereafter have a board of election commissioners, each election commissioner shall receive a salary of two thousand six hundred dollars per year, payable from the county revenue.

(L. 1977 H.B. 101 §2.045)
Effective 1-1-78

115.037. Removal of commissioner, when.—Any commissioner may be removed by the governor for misconduct in office. Before removing a commissioner, the governor shall notify the commissioner in writing of all charges against him. Not less than ten days after so notifying a commissioner, the governor shall give the commissioner an opportunity to be publicly heard in person or by counsel in his defense. If a vacancy on any board occurs for any reason, the governor shall, with the advice and consent of the senate, appoint a new commissioner to serve the unexpired term. The new commissioner shall be a member of the same political party as the commissioner he is appointed to replace.

(L. 1977 H.B. 101 §2.050)
Effective 1-1-78

115.039. New board to receive records and property.—Upon the swearing in of a new board of election commissioners, the election authority or other custodian shall, upon demand, turn over to the new board all records, supplies and property relating in any way to the registration of voters and the conduct of elections within its jurisdiction.

(L. 1977 H.B. 101 §2.055)

Effective 1-1-78

115.041. Commissioners in office to complete term.—Nothing in this subchapter shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as an election commissioner until the term for which he was appointed has expired, or until he has been removed as provided in section 115.037.

(L. 1977 H.B. 101 §2.060)

Effective 1-1-78

115.043. Rules and regulations, powers of election authorities.—Each election authority may make all rules and regulations, not inconsistent with statutory provisions, necessary for the registration of voters and the conduct of elections.

(L. 1977 H.B. 101 §2.065, A.L. 1983 S.B. 234)

115.045. Boards may employ staff.—Each board of election commissioners shall have the right to employ such attorneys and other employees as may be necessary to promptly and correctly perform the duties of the board. Where an electronic voting system or voting machines are used, the board shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Board employees shall be subject to the same restrictions and subscribe the same oath as members of the board, except that no employee of a board shall be required to post bond unless directed to do so by the board. Employee oaths and any bonds shall be filed and preserved in the office of the board.

(L. 1977 H.B. 101 §2.070)

Effective 1-1-78

115.047. Employees of board to be bipartisan.—Employees of each board shall be selected in equal numbers from the two major political parties. Each board may adopt regulations to govern the hiring, probationary period, tenure, discipline, discharge and retirement of its employees.

(L. 1977 H.B. 101 §2.075)

Effective 1-1-78

115.049. Number of employees and salaries authorized—salary adjustments, when.—1. Each board of election commissioners in existence on January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on January 1, 1982; except that, in any city which has over three hundred thousand inhabitants and is located in more than one county, the board of election commissioners having jurisdiction in the part of the city situated in the county containing the major portion of the city may set the number of its employees and the total yearly amount of all salaries authorized by statute on January 1, 1982.

2. Each board of election commissioners established after January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on December 31, 1977, for counties of the first class not having a charter form of government by sections 119.090 and 119.100, RSMo.

3. If any board of election commissioners wishes to increase the number of its employees or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice of the fact to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries. The notice shall specify the number of additional employees requested and the additional yearly amount requested by the board and shall include a justification of the increase and a day, not less than ninety days after the notice is delivered, on which the increase is to take effect. Unless any legislative body responsible for approving payment of the election commissioners' salaries adopts a resolution disapproving the increase, the increase shall take effect on the day specified. Any board of election commissioners may implement salary adjustments, after notice to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries, equal to, but not more than, those adjustments granted to the employees of the local legislative body or bodies without prior legislative approval.

(L. 1977 H.B. 101 §2.080, A.L. 1982 S.B. 526)

Effective 5-20-82

115.051. County clerk may employ election staff and fix compensation.—1. In each county which does not have a board of election commissioners, the county clerk shall have the right to employ such deputies and assistants as are necessary to promptly and correctly register voters and conduct elections. Where an electronic voting system or voting machines are used, the county clerk shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Each deputy shall be subject to the same restrictions and subscribe the same oath as the county clerk, except that no employee shall be required to post bond unless directed to do so by the clerk. Employee oaths and any bonds shall be filed and preserved in the office of the county clerk.

2. Within the total amount for deputies and assistants approved by the county commission, the salary of each deputy and assistant shall be set by the county clerk.

(L. 1977 H.B. 101 §2.085)

Effective 1-1-78

115.053. Election authority deputies—bipartisan requirement—duties, compensation.—1. Each election authority may appoint such even number of additional deputies as it deems necessary to carry out the provisions of subsection 3 of this section. One-half of the deputies shall be members of one major political party, and one-half of the deputies shall be members of the other major political party.

2. Each deputy appointed under the provisions of this section shall be a registered voter of the jurisdiction for which he is appointed. No such deputy shall be a candidate for any office in an election at which he serves or a relative within the third degree, by consanguinity or affinity, to any person whose name appears on the ballot in an election at which he serves.

3. At the direction of the election authority, such deputies may investigate the facts and conditions relating to the residence and voting rights of any person. Upon direction by the election authority, such deputies may attend and be present at any polling place, witness and report to the election authority any failure of duty, fraud or irregularity, instruct election judges, supervise voting procedures and perform any other lawful function prescribed by the election authority.

4. The deputies shall be paid an amount determined by the election authority, subject to approval of the legislative body or bodies responsible for providing the salaries of other election authority employees and payable from the same source as the salary of the election authority.

5. Deputies shall serve for such time as the election authority determines and may be dismissed summarily by the election authority. At no time, however, shall more deputies from one major political party serve than deputies from the other major political party.

(L. 1977 H.B. 101 §2.090)

Effective 1-1-78

115.055. Who may administer oaths.—Each election authority and its designated employees may administer oaths and perform all other duties necessary to register voters and conduct elections.

(L. 1977 H.B. 101 §2.095)

Effective 1-1-78

115.057. Offices may be maintained, to be open, when.—Each election authority shall maintain an office or offices sufficient for its purposes. The offices of each election authority shall be kept open during regular business hours on all election days and on all other weekdays, except legal holidays. The offices of each election authority shall also be kept open for four hours on the Saturday preceding each election and may be kept open at other times as determined by the election authority.

(L. 1977 H.B. 101 §2.100)

Effective 1-1-78

115.059. Peace officers to assist election authority or election officials, when requested.—It shall be the duty of the police, the sheriff and all other peace officers to give any assistance or protection required by the election authority, any employee of the election authority, any election judge, any registration officer or any canvasser in the performance of his duties and to comply with all lawful requests and directions of the election authority relating to such assistance.

(L. 1977 H.B. 101 §2.105)

Effective 1-1-78

115.061. State to pay all costs of election, when.—1. When any question or candidate is submitted to a vote of all voters in the state and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the state.

2. After an audit by the commissioner of administration, the state treasurer shall pay the amounts claimed by and due the respective counties and cities out of moneys appropriated by the general assembly for the purpose.

(L. 1977 H.B. 101 §2.505)

Effective 1-1-78

115.063. Political subdivision or special district, cost of elections—state to share proportionately, when—exceptions.—1. When any question or candidate is submitted to a vote by any political subdivision or special district and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the political subdivision or special district submitting a question or candidate at the election.

2. All costs of special elections involving a statewide candidate or statewide issue and all costs of special elections involving candidates for state senator or state representative shall be paid by the state, except that if a political subdivision or special district holds an election on the same day, the costs shall be shared proportionately by the state and the political subdivisions and special districts affected in the manner provided in section 115.065.

3. The state shall not be liable for any costs of a general election or primary election held in even-numbered years as designated in subsections 1 and 2 of section 115.121.

4. When a proposed political subdivision submits a petition requesting an election as part of the formation thereof, the petitioners shall submit together with the petition sufficient security to pay all costs of the election. If such proposition is successful, the political subdivision thereby created shall reimburse those persons advancing funds to pay the costs of the election.

(L. 1977 H.B. 101 §2.510, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31)

115.065. Proportion of cost for two or more political subdivisions or special districts, how computed—exceptions.—1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts, or except in primary and general elections by the state and one or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of the state and all political subdivisions and special districts submitting a question or candidate at the election, except that costs of publications of legal notice of elections shall not be paid proportionally. The state and each political subdivision and each special district shall pay for publication of its legal notice of election. At the discretion of the election authority, ballot printing costs, if any, may be paid proportionally or the state and each political subdivision and each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of all political subdivisions and special districts submitting a question or candidate at the election.

3. Proportional election costs paid under the provisions of subsection 2 of this section shall be assessed by charging each political subdivision and special district the same percentage of the total cost of the election as the number of registered voters of the political subdivision or special district on the day of the election is to the total number of registered voters on the day of the election, derived by adding together the number of registered voters in each political subdivision and special district submitting a question or candidate at the election.

4. “**Proportional costs**” are defined as only those costs that require an additional out-of-pocket expense by the election authority in conducting an election. It does not include the salaries of full-time employees of the election authority or any indirect

expenses for employees such as expenses for workers' compensation, health insurance or other similar expenses.

(L. 1977 H.B. 101 §2.515, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, S.B. 234, A.L. 1993 S.B. 31)

115.069. Election judges paid by whom (Jackson County).—In any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county.

(L. 1977 H.B. 101 §2.525)
Effective 1-1-78

115.071. Election costs, how paid (Kansas City).—1. In any city which has over three hundred thousand inhabitants and is located in more than one county, all general expenses related to the conduct of elections and the registration of voters in the part of the city situated in the county containing the major portion of the city shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county in which the major portion of the city is located.

2. Except as provided in section 115.067, in any city which has over three hundred thousand inhabitants and is located in more than one county, the salaries of election judges at all city primary, general and special elections shall be paid from the general revenue of the city, even if a candidate or question other than a city candidate or question is submitted at the same election.

(L. 1977 H.B. 101 §2.530)
Effective 1-1-78

115.073. Election costs, how paid (Clay, Platte and Jackson Counties).—1. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, all general expenses related to the conduct of elections and the registration of voters shall be paid proportionally from the general revenue of the city and the general revenue of the county. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census.

2. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid proportionally from the general revenue of the city and the general revenue of the county as provided in subsection 1 of this section.

(L. 1977 H.B. 101 §2.535)
Effective 1-1-78

115.075. County's election expenses to be paid from county general revenue, exception.—Except as otherwise provided in this subchapter, all costs and expenses relating to the conduct of elections and the registration of voters in each county shall be paid from the general revenue of the county.

(L. 1977 H.B. 101 §2.540)
Effective 1-1-78

115.077. Election costs to be paid to election authority, by whom, when, procedure—failure to pay costs, penalty—state payments, fund for.—1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by the state or any political subdivision or special district is less than the cost of conducting the election for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 115.061, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

5. There is hereby created the "State Election Subsidy Fund" in the state treasury which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section.

(L. 1977 H.B. 101 §2.545, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, A.L. 1985 H.B. 620)

ELECTION JUDGES

115.079. Election judges, how appointed.—All election judges in each jurisdiction shall be appointed by the election authority.

(L. 1977 H.B. 101 §3.001)

Effective 1-1-78

115.081. Number of judges to be appointed, supervisory judges, duties of.—

1. Each election authority shall appoint at least four election judges for each polling place within its jurisdiction. If the expected voter turnout at a polling place indicates that four judges may be insufficient, the election authority may appoint an even number of additional judges for the polling place. One-half of the judges at each polling place shall be members of one major political party, and one-half of the judges at each polling place shall be members of the other major political party.

2. The election authority shall designate two of the judges appointed for each polling place, one from each major political party, as supervisory judges. Supervisory judges shall be responsible for the return of election supplies from the polling place to the election authority and shall have any additional duties prescribed by the election authority.

3. Election judges may be employed to serve for the first half or last half of any election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed, the election authority shall employ such judges and shall see that a sufficient number for each period are present at all times so as to have the proper total number of judges present at each polling place throughout each election day. The election authority shall require that at each polling place at least one election judge from each political party serve a full day and that at all times during the day there be an equal number of election judges from each political party.

(L. 1977 H.B. 101 §3.005, A.L. 1982 S.B. 526)

Effective 5-20-82

115.083. Additional judges authorized, even number and bipartisan required.—

Any election authority may appoint an even number of additional judges for use as needed on election day. One-half of such judges shall be members of one major political party, and one-half of such judges shall be members of the other major political party.

(L. 1977 H.B. 101 §3.010)

Effective 1-1-78

115.085. Qualifications of election judges.—No person shall be appointed to serve as an election judge who is not a registered voter in the jurisdiction for which he or she is appointed. Each election judge shall be a person of good repute and character who can speak, read and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other public office, other than as a member of a political party committee or township office, except any person who is an employee of the state of Missouri or who is appointed to or employed by a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

(L. 1977 H.B. 101 §3.015, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31)

115.087. Selection of judges in counties not having a board of election commissioners.—In each county which does not have a board of election commissioners, the election judges shall be selected from lists provided by the county committee of each major political party. Not later than December tenth in each year in which county committeemen are elected, the county committee of each major political party shall submit to the county clerk a list of persons qualified to serve as election judges in double the number required to hold a general election in the county. Not later than February tenth in each year immediately following the year in which county committeemen are elected, each county clerk shall select and appoint the number of judges required to hold a general election in his county, taking one-half of the judges from each of the lists. If a county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the county clerk may select and appoint the number of judges provided by law for the county committee's party. If the county clerk deems any person on a list to be unqualified, he may request the county committee which submitted the list to furnish another name. The election judges shall be appointed for a term ending on February tenth in the year immediately following the year in which county committeemen are next elected and until their successors are appointed and qualified.

(L. 1977 H.B. 101 §3.020)
Effective 1-1-78

115.089. Terms of election judges appointed by board.—Each board of election commissioners shall have authority to appoint election judges for individual elections, or for a term coincident with the term of the board and until the judges' successors are appointed and qualified. The board may ask the county committee of each major political party to submit a list of persons qualified to serve as election judges and may select and appoint judges from the lists.

(L. 1977 H.B. 101 §3.025)
Effective 1-1-78

115.091. Oath of election judge.—On commissioning or before entering upon his duties, each election judge shall take and subscribe the following oath:

I solemnly swear that I will impartially discharge the duties of judge according to law, to the best of my ability and that I will not disclose how any voter has voted unless I am required to do so as a witness in a proper judicial proceeding. I also affirm that I will not allow any person to vote who is not entitled to vote and that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before
me this day of, 19

.....
Judge of Election

.....
Election Authority (Judge of Election)
witnessing oath

(L. 1977 H.B. 101 §3.030)
Effective 1-1-78

115.093. Vacancy, how filled.—If an election judge dies, resigns, becomes incapacitated, becomes disqualified, is removed pursuant to section 115.099, or is otherwise unable or unwilling to serve during his term, the election authority shall appoint another qualified person from the same political party as the unable or unwilling

judge to serve as a temporary judge or for the unexpired term.

(L. 1977 H.B. 101 §3.035)

Effective 1-1-78

115.095. Judge failing to appear, temporary judge to be appointed, how.—If any judge fails to act or to appear by the time fixed by law for the opening of the polls, the election authority shall be notified immediately by an election judge. The election authority or the election judges present in the polling place shall appoint another judge from the same political party as the judge failing to act or to appear. If the election judges elect a qualified temporary judge, he shall have full authority to act as judge for the election, except that he may be removed at any time by the election authority and replaced with another qualified judge from the same political party as the removed judge.

(L. 1977 H.B. 101 §3.040)

Effective 1-1-78

115.097. Judge not to be absent from polls more than one hour—not more than one judge from the same party to be absent at the same time.—No election judge shall be absent from the polls for more than one hour during the hours the polls are open on election day. No election judge shall be absent from the polls before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same political party shall be absent from the polls at the same time on election day.

(L. 1977 H.B. 101 §3.043)

Effective 1-1-78

115.099. Authority to supervise judges.—Each election authority shall have authority to direct judges in their duties and to compel compliance with the law. Each election authority may substitute judges at his discretion on election day. Each election authority shall also have authority at any time to remove any judge for good cause and to replace him with a qualified person from the same political party as the removed judge.

(L. 1977 H.B. 101 §3.045)

Effective 1-1-78

115.101. Judges' compensation, how set—not employees of election authority.—For service in conducting elections and house-to-house canvasses, each election judge shall be paid a specific dollar amount which shall be set by the legislative authority of each county and by any city not within a county. For purposes of this section, and the Constitution of Missouri, election judges appointed by the election authority shall not be considered employees of the election authority.

(L. 1977 H.B. 101 §3.050, A.L. 1983 S.B. 234)

115.103. Training courses authorized, compensation while in training authorized.—Any election authority may establish training courses for election judges and may compensate them for attendance at the rate set for election service subject to the approval of the governing body of a county not having a board of election commissioners, or the political subdivision or special district.

(L. 1977 H.B. 101 §3.055)

Effective 1-1-78

CHALLENGERS AND WATCHERS

115.105. Challengers, how selected, qualifications—challenges, when made.—

1. The chairman of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. The designating chairman may substitute challengers at his discretion during such hours.

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

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

4. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges.

(L. 1977 H.B. 101 §4.001, A.L. 1983 S.B. 234)

115.107. Watchers, how selected, qualifications, duties.—1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges.

(L. 1977 H.B. 101 §4.005, A.L. 1983 S.B. 234)

115.109. Oath of challengers and watchers.—Before entering upon his duties, each challenger and watcher shall take the following oath:

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me
this day of, 19

.....
Challenger or Watcher

.....
Judge of Election

*(L. 1977 H.B. 101 §4.015)
Effective 1-1-78*

115.111. Improper conduct of challenger or watcher, how handled.—If any watcher or challenger interferes with the orderly process of voting, or is guilty of

misconduct or any law violation, the election judges shall ask the watcher or challenger to leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any watcher or challenger from the polling place or the place where votes are being counted. If any challenger is excluded, another may be substituted by the designating committee chairman.

(L. 1977 H.B. 101 §4.020)
Effective 1-1-78

PRECINCTS AND POLLING PLACES

115.113. Precincts, how established—new political subdivisions, duty to identify voters of.—1. The basic election district shall be the precinct. In each jurisdiction, precinct boundaries shall be established by the election authority. Every effort shall be made by the election authority to establish precinct lines which do not cross political subdivision or special district boundaries. Upon mail notification of each voter affected by the change, or publication of the new boundaries in a newspaper of general circulation in its jurisdiction, the election authority may change precinct boundaries from time to time as convenience may require.

2. When a political subdivision is formed, the political subdivision shall assist the election authority in determining the identity of all registered voters residing in each precinct eligible to vote in elections affecting the district.

(L. 1977 H.B. 101 §5.001, A.L. 1982 S.B. 526)
Effective 5-20-82

115.115. Polling places, how designated, exception—notice to voters—voters not required to go to more than one polling place—elderly and handicapped polling places, common site.—1. Except as provided in subsection 2 of this section or in section 115.436, for each election within its jurisdiction, the election authority shall designate a polling place for each precinct within which any voter is entitled to vote at the election.

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 115.127 or 115.129.

3. No person shall be required to go to more than one polling place to vote on the same day.

4. Prior to the opening of the polling places on primary and general election days, if candidates for more than one state senatorial or state representative district are to be voted for at one precinct, and if fifty or fewer registered voters are eligible to vote for each of the candidates, the election authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing codes, to show what district the voter is voting in, based on the voter's place of residence, so that on election day no voter will have an opportunity to vote for more than one congressional candidate, state senatorial candidate, or state representative candidate. If such ballots are not available, the election authority shall be notified and voting at that precinct shall not begin until appropriate ballots are available. In all other instances the election authority shall designate polling places so that more than one state senatorial or state representative candidate will not be voted for at the same polling place.

5. Each local election authority may designate one common site as an election day polling place designed for accessibility to the handicapped and elderly. In addition to being able to supply such voters with their appropriate ballots, and being open during regular voting hours, such a polling place shall otherwise be staffed and operated in accordance with law, especially as provided in subsection 3 of section 115.436 and subsection 3 of section 115.445, and like any other polling place, insofar as possible.
(L. 1977 H.B. 101 §5.010, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al.)

115.117. Tax-supported buildings must be made available as polling places—may rent private polling place, when.—1. The election authority may designate tax-supported public buildings to be used as polling places for any election, and no official in charge or control of any such public building shall refuse to permit the use of the building for election purposes. The election authority shall have the right to choose the location of the polling place within such buildings.

2. If an election authority determines there is no public building convenient for a polling place in any voting district, the authority shall first attempt to secure the use of a privately owned tax-exempt building, and in the event no such building is available, it may contract for the rental of a suitable polling place in the district.

3. In selecting polling places, the election authority shall consider parking areas which may be available and shall give priority to those places which have adequate parking areas for use by poll workers and voters.

(L. 1977 H.B. 101 §5.015, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620)

115.119. Polling place to be marked.—Each polling place shall be plainly marked with a sign posted in a place and manner sufficient to notify voters of the location of the polling place.

(L. 1977 H.B. 101 §5.020)

Effective 1-1-78

ELECTIONS, WHEN HELD—NOTICE, HOW GIVEN

115.121. General election, when held—primary election, when held— general municipal election day defined.—1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday in April each year; and shall be known as the “general municipal election day.”

(L. 1977 H.B. 101 §6.001, A.L. 1978 H.B. 971, A.L. 1993 S.B. 31)

115.123. Public elections to be held on Tuesdays, exceptions.—1. All public elections shall be held on Tuesday. Except bond elections necessitated by fire, vandalism or natural disaster, except elections for which ownership of real property is required by law for voting, except special elections to fill vacancies and to decide tie votes or election contests, except the presidential primary election, except elections authorized in subsection 4 of this section,* and except as otherwise expressly provided by city or county charter, all public elections shall be held on the general election day, the primary election day, the municipal primary day, municipal general election day, the first Tuesday after the first Monday in February, except in presidential election

years, March, June, August, or November or with an election on another day expressly provided by city or county charter. The election authority of each county shall make the selection of either the February or March election date, but not both dates for the same political subdivision or special district. After January 1, 1978, no city or county shall adopt a charter or charter amendment which calls an election on any day other than the February or March, April, June, August, or November election days specified in this section.

2. Notwithstanding the provisions of subsection 1 of this section, school districts may hold special levy elections on the first Tuesday after the first Monday in October.

(L. 1977 H.B. 101 §6.005, A.L. 1978 H.B. 971, A.L. 1979 S.B. 275, A.L. 1980 S.B. 734, A.L. 1983 S.B. 234, A.L. 1986 H.B. 879 and S.B. 729, A.L. 1987 S.B. 386, A.L. 1993 H.B. 551 & 552)

**Revisor's note: "Subsection 4 of this section" was amended from this section as enacted by H.B. 551 & 552, 1993.*

115.124. Nonpartisan election in political subdivision, no election required if number of candidates filing is same as number of positions to be filled—exceptions.— Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision except for municipal, board of trustees of community college districts and school board elections, if the notice provided for in subsection 5 of section 115.127, has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

(L. 1990 S.B. 862 §1)

115.125. Notice of election, when given—exceptions.— Not later than 5:00 p.m. on the eighth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect six members to serve on a school board of a district pursuant to section 162.241, RSMo, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

*(L. 1977 H.B. 101 §6.010, A.L. 1980 S.B. 734, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1676)
Effective 2-19-86*

115.127. Notice of election, how, when given—striking names or issues from ballot, requirements—declaration of candidacy, officers for political subdivisions or

special elections, filing date, when, notice requirements—candidate withdrawing, ballot reprinting, cost, how paid.—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 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.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified under chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such 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; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

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

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the thirteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be

5:00 p.m., the ninth Tuesday prior to the election. The political subdivision or special district calling an election shall, before the thirteenth Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office, may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence. (L. 1977 H.B. 101 §6.015, A.L. 1978 H.B. 971, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision and S.B. 234, A.L. 1988 H.B. 933, et al., A.L. 1989 H.B. 316, A.L. 1993 S.B. 31)

115.129. Notice of election by mail authorized, contents of.—1. Not later than the fifth day prior to any election, the election authority may mail to each registered voter in the area of its jurisdiction in which the election is to be held, a notice of election which shall include the date and time of the election, the location of the voter's polling place and the name of the agency calling the election. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

2. In any county the notice of election may state whether the election is a national, state, county, municipal, special purpose district or special election in lieu of stating the agency calling the election, provided that said notice also states the voters involved:

- (1) Township;
- (2) Election precinct;
- (3) Municipality, if any;
- (4) School district; and
- (5) Fire district.

(L. 1977 H.B. 101 §6.020, A.L. 1978 S.B. 582)

QUALIFICATIONS OF VOTERS AND REGISTRATION

115.132. New resident, entitled to vote for president and vice president, procedure—new resident defined.—1. As used in this section, the term "new resident" means a person who, immediately prior to his moving to this state, was a resident of another state and who has been residing in this state for a period sufficient to comply with any applicable federal law next preceding a general election.

2. Every citizen of the United States who, at the time of any general election at which presidential electors or candidates for the offices of president or vice president of the United States are to be voted for, is a new resident, as defined in subsection 1 of this section, of this state, shall be entitled to vote for presidential and vice-presidential electors at that general election, but for no other officers, if he:

- (1) Otherwise possesses the substantive qualifications to vote in this state, except the residency requirements; and

(2) Complies with the provisions of this section.

3. Any person desiring to qualify under this section as a new resident voter to vote for presidential and vice-presidential electors shall not be required to register in order to vote in the precinct in which he resides, but, not more than nineteen days prior to such general presidential election nor later than 7:00 p.m. on the day of such election, shall make an application at the office of the election authority in the election jurisdiction in which he resides. Such application shall be in the form of an affidavit, shall be executed in duplicate in the presence of the election authority, or any authorized officer of the election authority, and shall be in substantially the following form:

STATE OF

COUNTY OF, ss.

I,, do solemnly swear that:

1. I am a citizen of the United States;
2. Before becoming a resident of this state, I resided at Street, in of County of (Here insert name of town, township, village or city) the state of
3. On the day of the next presidential election, I shall be at least eighteen years of age and I have or will have by the time of such next presidential election resided in this state (a period of time in accordance with federal law) next preceding such general presidential election and I am now residing in the precinct, township of (or in the precinct of the ward, Street in the city of), in the county of, state of Missouri;
4. I believe I am entitled under the law of this state to vote at the presidential election to be held November, 19....;
5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed (Applicant)

Subscribed and sworn to before me this day of, 19....

Signed (Title and name of officer authorized to administer oath)

4. The election authority in whose office an application is filed under subsection 3 of this section shall immediately mail a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided, and shall file the original of such application in its office. All applications filed with an election authority under this subsection shall be indexed alphabetically and shall be retained for a period of six months from the date of the election at which the applicant voted under this section.

5. If satisfied that an application made under this section is proper and that the applicant is qualified to vote under this section, the election authority of the election jurisdiction in which the applicant resides shall deliver to the applicant a ballot for presidential and vice-presidential electors not sooner than nineteen days nor later than 7:00 p.m. on the day of the next general presidential election. Upon receiving such ballot, the applicant shall mark it forthwith, in the presence of such election authority, or a duly authorized officer thereof, in a manner which prevents the election authority or officer from seeing how the ballot has been marked. The voter shall then fold the ballot in the presence of the election authority, or duly authorized officer thereof, so as to conceal the markings on the ballot, and deposit it and seal it in an envelope furnished by the election authority. The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. There shall be imprinted on the outside of the envelope on a form substantially as follows:

DECLARATION OF NEW RESIDENT VOTER

I hereby declare that I have qualified as a new resident voter in this state to vote for presidential and vice-presidential electors. I have not applied nor do I intend to apply for any absentee voter's ballot from any other state. I have not voted and I will not vote otherwise than by this ballot.

My legal residence is in the precinct, township of (or in the precinct of the ward, Street in the city of), in the county of state of Missouri.

Dated: (Signature of voter)

NOTE: False statement on this declaration is a class C misdemeanor.

The voter shall sign the declaration upon the carrier envelope as set forth above, and shall then deliver the sealed carrier envelope to the election authority, which shall keep the carrier envelope in its office until delivered by it to the proper election officials to be canvassed.

6. Making a false statement on any ballot declaration made under subsection 5 of this section is a class C misdemeanor.

7. All election authorities which receive applications for new resident voters under this section shall keep a list of such new resident voters, which list shall be open to public inspection during the normal business hours of the election authority. Such list shall contain the names of all persons who have applied under this section, their addresses, and the date of their application.

8. All ballots marked by new resident voters as provided in this section shall be delivered and canvassed in the manner provided in the election laws of this state for absentee ballots. Except as otherwise provided in this section, the provisions of the election laws of this state relating to absentee voting shall also apply to the casting and counting of ballots and the challenging of votes by new residents, the furnishing of election supplies, the form of ballots, the canvassing of ballots, and making proper returns of the results of the election.

(L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31)

115.133. Qualifications of voters.—1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

- (1) While confined under a sentence of imprisonment;
- (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
- (3) After conviction of a felony or misdemeanor connected with the right of suffrage.

(L. 1977 H.B. 101 §7.010, A.L. 1979 S.B. 275, A.L. 1982 H.B. 1600, A.L. 1983 S.B. 44 & 45, A.L. 1993 H.B. 23)

115.135. Persons entitled to register, when—identification required.—1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than

5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. No person shall be allowed to register unless he or she presents a valid Missouri drivers license or other form of personal identification at the time of registration.

(L. 1977 H.B. 101 §7.015, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620, A.L. 1988 H.B. 933, et al., A.L. 1993 H.B. 551 & 552)

115.137. Registered voters may vote in all elections—exception.—1. Except as provided in subsection 2 of this section, any citizen who is entitled to register and vote shall be entitled to register for and vote in all statewide public elections and all public elections held for districts and political subdivisions within which he resides.

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

(L. 1977 H.B. 101 §7.020)

Effective 1-1-78

115.139. Unregistered voter may not vote—exception.—Except as provided in subsection 2 of section 115.137 and section 115.277, no person shall be permitted to vote in any election unless he is duly registered in accordance with this subchapter.

(L. 1977 H.B. 101 §7.025)

Effective 1-1-78

115.140. Handicapped and hearing impaired persons, provision for.—At least one-half of the voter registration sites provided by each election authority shall be accessible to handicapped persons. Each election authority shall also provide interpreter services upon request for persons with hearing impairments who wish to register.

(L. 1986 H.B. 1471, et al. §2)

115.141. Registration to be supervised by election authority.—Each election authority shall supervise the registration of voters within its jurisdiction in accordance with this subchapter and shall direct the activities of all deputy registration officials.

(L. 1977 H.B. 101 §7.030)

Effective 1-1-78

115.143. Deputy registration officials, qualifications of, persons eligible to serve as.—1. Each election authority may appoint persons regularly employed in the office of the clerk of any city, town or village, any department of revenue fee office, or any school, library or other tax-supported public agency in its jurisdiction as deputy registration officials.

2. Each election authority may appoint any number of additional persons to serve as deputy registration officials. Each such deputy shall be a registered voter in the jurisdiction of the appointing election authority.

3. Each election authority may appoint, with the concurrence of the top administrator of each school, at least one staff person or instructor as a deputy registration official in each school that chooses to participate in voter registration. As used in this subsection, the term "school" means any school building in this state in which grades nine through twelve or grades ten through twelve are taught, including public, nonpublic, vocational and vocational-technical school buildings.

(L. 1977 H.B. 101 §7.035, A.L. 1982 S.B. 526)

Effective 5-20-82

115.145. Registration duties of election authority.—Each election authority shall have the following duties with respect to registration:

(1) To conduct registration at its office or offices throughout the entire year, including any three-week period prior to an election for the purpose of registration of persons for subsequent elections, on all usual business days and during its regular office hours in the manner required by this subchapter;

(2) To instruct and direct each deputy registration official in the performance of his or her duties and to supply each deputy with the proper registration forms and other necessary supplies; and

(3) To designate the times, dates and places or areas for additional voter registration by any deputy appointed pursuant to subsection 2 of section 115.143, and to publicize the times, dates and places or areas of such registration in any manner reasonably* calculated to inform the public; provided, that the place or area for voter registration by deputies appointed under subsection 3 of section 115.143 shall be located in the school for which the deputy has been appointed.

(L. 1977 H.B. 101 §7.040, A.L. 1982 S.B. 526, A.L. 1988 H.B. 933, et al.)

*Word "reasonable" appears in original rolls.

115.147. Deputy registration officials, duties of.—Each deputy registration official shall have the following duties:

(1) To comply with all reasonable instruction and direction by the election authority which is not inconsistent with this subchapter; and

(2) To conduct registration at his regular place of business throughout the entire year on all usual business days and at the usual office hours in the manner required by this subchapter, unless he has been appointed pursuant to subsection 2 or 3 of section 115.143, in which case he shall conduct registration during the dates and times and at the places or areas designated by the election authority in the manner required by this subchapter.

(L. 1977 H.B. 101 §7.045, A.L. 1982 S.B. 526)

Effective 5-20-82

115.149. Election authorities' registration jurisdictions.—1. Within its jurisdiction, each election authority may register any person who is qualified to register in the jurisdiction. Each election authority may issue information cards to registered voters.

2. Upon agreement with another election authority, any election authority may register any person qualified to register in its jurisdiction in the jurisdiction of the other election authority.

(L. 1977 H.B. 101 §7.050, A.L. 1979 S.B. 275)

115.151. Registration complete, when.—Each qualified applicant shall be deemed registered as of the time his completed, signed and sworn registration cards are witnessed by the election authority or his deputy registration official.

(L. 1977 H.B. 101 §7.055)

Effective 1-1-78

115.153. Registration, where accomplished—exception.—Except as provided in section 115.159, each person who offers to register shall appear in person at a place of registry during a time provided by this subchapter. Each person shall answer truthfully all questions as to identity, residence and qualifications required by this subchapter.

(L. 1977 H.B. 101 §7.060)

Effective 1-1-78

115.155. Form for registration—oath.—1. Except as otherwise provided in section 115.163, the election authority shall provide two or more cards of different colors for the registration of each voter. Each card shall be in substantially the following form:

APPLICATION FOR REGISTRATION

..... Township (or Ward)
Name	Precinct
.....
Home Address	Required Personal Identification Information
.....
City	Zip
.....
Date of Birth	Place of Birth
.....
Telephone Number (Optional)	Mother's Maiden Name (Optional)
.....
Occupation (Optional)	Last Place Previously Registered
.....
Social Security Number (Optional)	Under What Name
Remarks:
.....	When

I am a citizen of the United States and a resident of the state of Missouri. I am not declared incompetent by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....
Signature of Voter	Date
.....
Signature of Election Official	

2. After supplying all information necessary for the registration records, each applicant shall take the oath inscribed on the registration cards and shall sign his full name to each of the cards, witnessed by the signature of the election authority or his deputy registration official.

3. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and so that registrations and transfers of registrations within the state may take place as allowed by law.

(L. 1977 H.B. 101 §7.065, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 88)

115.157. Registration information may be computerized—voter lists may be sold—candidates may receive list for reasonable fee.—The election authority may place all information on any registration cards in computerized form. No election authority shall furnish to any member of the public a tape or printout showing any registration information, except as provided in this section. The election authority shall make available tapes, printouts and mailing labels showing voters' names, dates of birth, addresses, townships or wards, and precincts for a reasonable fee determined by the election authority. The election authority shall also furnish, for a reasonable fee, a printout, mailing labels or other record showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that the election authority enters such data into the computer data base. The election authority that has registration records in computerized form shall have printed in even-numbered years a copy of the voter registration list. One copy of the computerized printout, if available, shall be supplied to all candidates and party committees upon request for a reasonable charge. Any tapes, printouts or mailing labels provided under this section shall not include the telephone numbers and social security numbers of the voters.

(L. 1977 H.B. 101 §7.070, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 88)

115.159. Registration by mail, form of application—rural voters not knowing township or section number, form—receipt of registration to be sent to applicant—returned receipt by post office, effect—voter I.D. card delivered to voter, when.—
 1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority to any person or group. The application for registration by mail shall be in substantially the following form:

**APPLICATION FOR REGISTRATION BY MAIL
PLEASE PRINT**

Name	Township (or Ward)
Home Address	Precinct
City	
Date of Birth	Social Security Number
Telephone Number (Optional)	Mailing Address (if different)
Occupation (Optional)	City Zip
	Place of Birth
	Mother's Maiden Name

.....
Last Place Previously Registered

.....
Under What Name

.....
When

RURAL VOTERS

Please complete this section only if you live outside the city limits of any city, and you do not know the township and section number in which you live. Please do not attempt to provide directions to get to the location, but instead describe where it is.

I live (number) miles (N,S,E, or W) and
..... (number) miles (N,S,E, or W) of (landmark
or highway junction).

I am a citizen of the United States and a resident of the state of Missouri. I am not declared incompetent by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. Under penalties of perjury, a felony, I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....
Signature of Applicant

.....
Date

2. Upon receipt of a completed and signed application, the election authority shall, if satisfied the applicant is entitled to register, transfer all data necessary for the registration records from the application to the registration cards. Within seven working days after receiving the application, the election authority shall send the applicant a receipt of registration by first class nonforwardable mail. The receipt of registration shall acknowledge receipt of the application and inform the applicant that he is required to vote for the first time following registration at the office of the election authority or at other polling places designated by the election authority. If the receipt of registration is returned by the postal service, the election authority shall remove the applicant's name from the voter registration file. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any voter identification card to any person who registers pursuant to this section until after such person has voted, in person after presentation of a proper form of identification, for the first time following registration at the office of the election authority or at other polling places designated by the election authority.

3. If, upon receiving an application for registration by mail, the election authority determines the applicant is not entitled to register, it shall, within three working days after receiving the application, so notify the applicant by mail and state the reason it has determined he is not qualified. The applicant may secure review of the decision in the manner prescribed in section 115.223.

4. All applications for registration by mail shall be preserved in the office of the election authority.

(L. 1977 H.B. 101 §7.075, A.L. 1993 H.B. 551 & 552)

115.161. Registration of persons unable to write.—1. If any person applying to register in person pursuant to this subchapter is unable to write, the election official shall fill in the registration cards, and the applicant shall sign by mark, witnessed by the election official. The election official shall note the applicant's height in feet and inches, weight, color of eyes and other distinguishing features under the title "Remarks" on the registration cards.

2. If any person applying to register by mail pursuant to this subchapter is unable to write, a notary public or other officer authorized by law to administer oaths shall

fill in the application, and the applicant shall sign by mark, witnessed by the signature of the notary or other officer. The applicant may also sign his registration cards by mark, witnessed by the signature of a notary public or other officer authorized by law to administer oaths, and shall be required to provide to the election authority a description of his height in feet and inches, weight, color of eyes and other distinguishing features, which shall be noted by an election official under the title "Remarks" on the registration cards.

*(L. 1977 H.B. 101 §7.080)
Effective 1-1-78*

115.163. Precinct register required—computer or binder lists authorized—computer I.D. cards, procedures and uses—list of registered voters available, fee.—

1. Each election authority shall arrange one set of registration cards into permanent binders for each precinct, or it may authorize the creation of computerized lists for each precinct. The computerized lists or binder shall be arranged alphabetically or by street address as the election authority determines and shall be known as the "precinct register." At least one set of registration cards shall be arranged in a central file in such a manner as the election authority determines, and shall be known as the "headquarters register." The election authority shall be the custodian of the registration records, and no cards or records shall be removed or handled except at its direction and under its supervision. The precinct registers shall be kept by the election authority in a secure place, except when given to election judges for use at an election. All registration records shall be open to inspection by the public at all reasonable times.

2. In counties using computer printouts as precinct registers, a new computer printout shall be printed prior to each election.

3. In those counties using computer printouts as precinct registers, the election authority shall send to each voter a voter identification card before May thirty-first in each year in which a primary and general election will be held, unless the voter has received such a card during the preceding six months. The voter identification card shall contain the voter's name, address, precinct and a signature line. The card may also contain other voting information at the discretion of the election authority. The voter shall be instructed to sign the card for use as identification at the polls. The voter identification card shall be sent to a voter after a new registration or a change of address. If any voter shall lose his voter identification card he may request a new one from the election authority. The voter identification card authorized under this section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193. Anyone, upon request and payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters or voters deleted from the voting rolls, since the last canvass or updating of the rolls.

(L. 1977 H.B. 101 §7.085, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al.)

115.165. Transfer of registration, how, when—procedure.—1. Any registered voter who changes his place of residence within a county may transfer his registration by sending that election authority with which he is registered a signed application for transfer, or by appearing in person at the office of that election authority, or any other authorized place of registration within the county and making application for transfer. Each application for transfer shall contain the following:

- (1) Name in full;
- (2) Address at which registered;

- (3) New address;
- (4) City (if any) in which new address is located;
- (5) Phone number (if any) at new address;
- (6) Date of birth;
- (7) Date application is made;
- (8) Signature of voter;
- (9) Signature and title of election official receiving application.

2. Any application for transfer received by an election authority or its deputy registration official outside the office of the election authority shall, within three working days of receipt, be transmitted to the office of the election authority. Upon receipt of an application for transfer at his office, the election authority shall compare the signature on the application with the signature on the voter's registration record. If the signatures are sufficiently alike to identify the applicant as the same person who registered to vote, the election authority shall make the necessary changes in the registration records without delay. Upon making such transfer, the election authority shall, within a reasonable time after receiving the application, notify the voter his registration has been transferred. If the signatures are not sufficiently alike to identify the applicant as the same person who registered, the election authority shall, within three working days after receiving the application, notify the voter that he will have to appear in person at the office of the election authority and identify himself by answering questions such as are provided for the identification of a voter at the polls.

3. If an election authority receives an application for transfer to the jurisdiction of another election authority within the same county, the election authority shall verify the application as provided in subsection 2 of this section and shall, within three working days after receipt of the application, forward a copy of the application and the voter's registration card to the election authority having jurisdiction for the new address. If an election authority receives an application for transfer from a voter whose previous address is under the jurisdiction of another election authority within the same county, the election authority will forward the application to the other election authority for verification pursuant to subsection 2 of this section. The election authority with jurisdiction over the old address, shall, within three working days after receiving the application, forward a copy of the application and the voter's registration card to the election authority having jurisdiction over the new address.

4. Each qualified applicant shall be deemed transferred as of the time his completed and signed application for transfer is received in the office of the election authority having jurisdiction for the new address.

5. Any registered voter who changes his place of residence within a jurisdiction at or before 5:00 p.m. on the third Wednesday prior to an election and does not transfer his registration at or before 5:00 p.m. on the third Wednesday prior to the election may transfer his address only at the office of the election authority and shall only be entitled to cast a vote in the election for presidential and vice-presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments, from the jurisdiction of his new residence without being registered at his new residence. Upon providing the election authority with identification and proof of residency at the new address, such voter shall be allowed to vote at the election authority's office at election day only.

6. Any registered voter who changes his place of residence within a county after 5:00 p.m. on the third Wednesday prior to an election may vote at the one election

from the polling place of his previous residence. The voter may complete an application for transfer at the polling place of his previous address on election day, and the transfer shall be processed in the manner provided in subsection 2 of this section.

7. If the applicant for registration was last registered in another county within this state or another state, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the election authority of, this is to certify that I am registered in your (county) (city) and that my residence was Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Done at, Missouri, this day of, 19

.....
(Signature of voter)
.....
(Election authority)

The cancellation certificate may be mailed immediately by the election authority to the county clerk or election commissioner where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(L. 1977 H.B. 101 §7.090, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 S.B. 709 and H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31)

115.167. Change of name of registered voter, procedure for.—If a registered voter obtains a lawful name change, including a change because of marriage, the voter shall notify the election authority of such change and the election authority shall, upon notification, enter the change on the voter’s registration cards. After filling in the voter’s new name and transferring other necessary information from the voter’s previous registration cards to a new set of cards, the election authority may send new cards to the voter for signature or may require the voter to sign new cards at the polls. If the election authority does require the voter to sign new cards, the new cards shall become the voter’s official registration cards. A registered voter who obtains a lawful name change may, after notifying the election judges of the name change, vote at one election under the previous name. The election judges shall notify the election authority of the voter’s name change and the election authority shall enter the change on the voter’s registration cards as provided for in this section.

(L. 1977 H.B. 101 §7.105, A.L. 1983 S.B. 234, A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31)

115.169. Register delivered to polls, when.—Before the time fixed by law for the opening of the polls on election day, the election authority shall deliver the proper precinct registers to each polling place and shall make a record of the delivery.

(L. 1977 H.B. 101 §7.110)
Effective 1-1-78

115.171. Error in precinct record, corrected when.—If the election authority learns on election day that a registration record has been placed in the wrong precinct register, the election authority shall immediately have the error corrected.

(L. 1977 H.B. 101 §7.115, A.L. 1983 S.B. 234)

115.173. Applications and affidavits, where stored.—All applications and affidavits required by this subchapter shall be preserved in the office of the election authority.

(L. 1977 H.B. 101 §7.120)
Effective 1-1-78

115.175. Class one election offense defined.—Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who pays or offers to pay, accepts or offers to accept payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a class one election offense.

(L. 1977 H.B. 101 §7.125)

Effective 1-1-78

115.177. Registrations in effect January 1, 1978, to remain valid, exception.—Nothing in this subchapter shall be construed in any way as interfering with or discontinuing any person's valid registration which is in effect on January 1, 1978, until such time as the person is required to transfer his registration or to reregister under the provisions of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo.*

(L. 1977 H.B. 101 §7.180)

Effective 1-1-78

**Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of "this act".*

115.179. Registration records to be canvassed, when.—1. In each jurisdiction with a board of election commissioners, the board of election commissioners shall have the registration records of all precincts in its jurisdiction canvassed after May thirty-first and before October first in each odd-numbered year and may have all or any part of the records canvassed at any other time it deems advisable.

2. In each jurisdiction without a board of election commissioners, the county clerk shall have the registration records of all precincts in its jurisdiction canvassed after May thirty-first and before October first in each year immediately prior to the election of a state auditor and may have all or any part of the records canvassed at any other time it deems advisable.

(L. 1977 H.B. 101 §7.300, A.L. 1979 S.B. 275)

115.181. Canvass, how conducted.—1. In its discretion, the election authority may order all or any part of a canvass to be made house-to-house, through the United States Postal Service, or by both methods.

2. At the discretion of the election authority, the canvass may be made by including only those voters who did not vote at the last general election and those voters who registered since the last general election.

(L. 1977 H.B. 101 §7.305, A.L. 1985 H.B. 620)

115.183. Verification list defined.—As used in this subchapter, the term "verification list" shall mean a list prepared under the supervision of the election authority which contains the name and address of each registered voter within a precinct.

(L. 1977 H.B. 101 §7.310)

Effective 1-1-78

115.185. Canvassers, how selected—voter not at address, procedure followed—police protection, when.—1. Immediately before a house-to-house canvass, the election authority shall prepare two verification lists for each precinct to be canvassed.

2. For each precinct to be canvassed, the election authority shall appoint two registered voters from its jurisdiction, one from each major political party, to serve as canvassers of the precinct. The two canvassers, each having one of the verification lists, shall together call at each dwelling place in the precinct which is shown on the verification lists.

3. If the canvassers find that any registered voter does not live at the address shown on the verification lists, they shall immediately leave a written notice at the address. The notice shall instruct the voter to appear before the election authority or its designated representative on the day or days designated to show cause why his name should not be removed from the registration records, or shall instruct the voter to sign and return the notice by a certain date, stating on the notice the reason his name should not be removed from the registration records.

4. Whenever it deems necessary, the election authority may request that police protection be furnished canvassers while they perform their official duties. Such protection shall be promptly furnished by the appropriate authorities.

(L. 1977 H.B. 101 §7.315)

Effective 1-1-78

115.187. Notice to show cause, how sent—persons found not to be residing at their registered addresses.—1. Immediately after calling at all dwelling places shown on the verification lists, the house-to-house canvassers shall report with the verification lists to the office of the election authority. Using postage and forms provided by the election authority, the canvassers shall as soon as possible prepare and mail a nonforwardable notice to each person who was not found to reside at the address shown on the verification lists. The notice shall instruct the voter to appear before the election authority on the day or days designated to show cause why his name should not be removed from the registration records or to sign and return the notice by a certain date, stating on the notice the reason his name should not be removed from the registration records.

2. The canvassers shall make a list of all names and addresses with which notice was personally left during the canvass and attach the list to an affidavit, affirming that such notices were left by the canvassers at all addresses indicated.

(L. 1977 H.B. 101 §7.320)

Effective 1-1-78

115.189. Further investigation, when.—Upon receipt of information from a house-to-house canvass or a canvass through the postal service indicating a voter may not reside at the address at which he is registered, the election authority may initiate further investigation of the voter's residence qualifications.

(L. 1977 H.B. 101 §7.325)

Effective 1-1-78

115.191. Investigative authorization of election authority.—The election authority may investigate the residence or other qualifications of any voter at any time it deems necessary. The election authority shall investigate material affecting any voter's qualifications brought to its attention from any source, and such investigations shall

be conducted in the manner it directs. The election authority may defer investigation of material brought to its attention within ten days of an election until after the election if it determines time does not permit an earlier investigation.

(L. 1977 H.B. 101 §7.330)

Effective 1-1-78

115.193. Name stricken from register, when—reinstatement, when.—1. If, due to information received from a canvass or investigation, and the return of a nonforwardable first class letter sent to the address from which he is registered showing that he does not reside at such address, the election authority believes that any person does not reside at the address from which he is registered or is otherwise unqualified to vote, the election authority shall have his name removed from the registration records.

2. If the election authority is satisfied, either by a voter's personal appearance or by his signed, returned notice, that he does reside at the address from which he is registered and is otherwise qualified to vote, the voter's name shall not be removed from the registration records.

3. If the election authority believes that the name of any voter was improperly removed from the registration records, it may, by telephone or in writing on election day, authorize election judges to permit him to vote. The voter may be required to execute an affidavit of qualification on a form prescribed by the election authority before being permitted to vote.

4. The election authority shall not remove the name of any voter from the registration records simply for failure to vote.

(L. 1977 H.B. 101 §7.335, A.L. 1982 S.B. 526)

Effective 5-20-82

115.195. Death, felony, and misdemeanor convictions, persons adjudged incapacitated—records, when obtained.—1. At least once each month, the election authority shall obtain from the state or local registrar of vital statistics, a list of the name and address, if known, of each person over eighteen years of age in its jurisdiction whose death has been reported to him.

2. At least once each month, the election authority shall obtain from the clerk of the circuit court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been convicted of any felony, or of a misdemeanor connected with the right of suffrage.

3. At least once each month, the election authority shall obtain from the clerk of the probate division of the circuit court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been adjudicated incapacitated and has not been restored to capacity.

4. All state and local registrars and all clerks of probate divisions of the circuit courts and circuit courts shall provide the information specified in this section, without charge, when requested by an election authority.

(L. 1977 H.B. 101 §7.340, A.L. 1983 S.B. 44 & 45, A.L. 1993 S.B. 31)

115.197. Governor to furnish list of persons pardoned.—Not later than October tenth each year, the governor of this state shall provide to each election authority in the state, without charge, the name and address, if known, of each person pardoned by him during the preceding calendar year.

(L. 1977 H.B. 101 §7.345)

Effective 1-1-78

115.199. Deceased and incompetents removed from register, when—persons convicted and pardoned, how handled.—Each election authority shall remove from its registration records the names of voters reported dead or adjudicated incompetent and shall determine the voting qualifications of those reported convicted or pardoned.

(L. 1977 H.B. 101 §7.350)

Effective 1-1-78

115.221. Voting records to be inspected annually.—At least once each year, each election authority shall have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years.

(L. 1977 H.B. 101 §7.355)

Effective 1-1-78

115.223. Appeal of removal by voter, procedure.—Whenever a voter's name has been removed from the registration records by an election authority, the voter may appeal the removal to the circuit court. Unless prohibited by court rule, the petition may be filed in an associate circuit court division. No formal pleading shall be required, and it shall be sufficient for the voter to present to the court an application verified by affidavit setting forth that his name has been removed from the registration records, the date of such removal, and any other information showing his qualification to vote. The application shall first be presented to the election authority, which shall either restore the voter's name to the registration records or furnish a statement showing the reason the voter's name was removed from the records. The court shall hear and dispose of such application forthwith. Evidence may be introduced for and against the application. If the court sustains the application, the court shall notify the election authority of its action, and the election authority shall restore the applicant's name to the registration records and note that it was restored by order of the court. No person whose name is restored to the registration records by order of the court shall be protected by such order if he is challenged or prosecuted for false registration or false voting. If a voter's name is restored to the registration records by the election authority or by order of the court on election day, the voter shall be permitted to vote in the office of the election authority.

(L. 1977 H.B. 101 §7.360, A.L. 1993 S.B. 31)

AUTOMATED VOTING EQUIPMENT

115.225. Automated equipment to be approved by secretary of state—standards to be met—rules, promulgation, procedure, review.—1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 115.225 to 115.235.

2. No electronic voting system shall be approved unless it

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for;
- (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;

(5) Permits each voter at a general election to vote for all candidates of one party by one punch or mark or to vote a split ticket, as he desires;

(6) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;

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

(8) Accurately counts all proper votes cast for each candidate and for and against each question;

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

(10) Permits each voter, while voting, to clearly see the ballot label.

3. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

4. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

5. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

6. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

7. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

8. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

9. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

(L. 1977 H.B. 101 §8.005, A.L. 1993 S.B. 52)

115.227. Consistent provisions of general law to apply to electronic voting systems.—All provisions of law not inconsistent with sections 8.001 to 8.040* shall apply with full force and effect to elections in each jurisdiction using an electronic voting system.

(L. 1977 H.B. 101 §8.010)

Effective 1-1-78

**Sections 8.001 to 8.040 appear in original rolls. Neither section 8.001 nor 8.040 appear in the text of the act. The intervening sections which do appear have been renumbered and contain sections 115.225 to 115.235.*

115.229. Electronic voting system may be used, when.—1. An electronic voting system may be used at any primary election if it has been approved by the secretary of state, complies with the provisions of section 115.225, and if the automatic tabulating equipment will reject each vote on which a voter has voted for candidates of more than one party.

2. An electronic voting system may be used at any other election if it has been approved by the secretary of state and complies with the provisions of section 115.225.

(L. 1977 H.B. 101 §8.015, A.L. 1985 H.B. 620)

115.231. Electronic ballots, how arranged.—1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot.

(L. 1977 H.B. 101 §8.025)

Effective 1-1-78

115.233. Testing of automatic tabulating equipment, when done, procedure.—Within five days prior to an election at which an electronic voting system is to be used, the election authority shall have the automatic tabulating equipment tested to ascertain that the equipment is in compliance with the law and that it will correctly count the votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice of the time and place of the test shall be mailed to each independent and new party candidate and the chairman of the county committee of each established political party named on the ballot. The test shall be observed

by at least two persons designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public. The test shall be conducted by processing a preaudited group of ballots. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the tabulating equipment is approved.

(L. 1977 H.B. 101 §8.030)

Effective 1-1-78

115.235. Preparation of marking devices required.—In jurisdictions where electronic voting systems are used, the election authority shall cause the marking devices to be put in order, set, adjusted and made ready for voting, before they are delivered to polling places on election day.

(L. 1977 H.B. 101 §8.035)

Effective 1-1-78

115.237. Ballots, contents of—form of.—1. Each ballot printed for any election under the provisions of sections 115.001 to 115.641 shall contain all questions and the names of all offices and candidates certified or filed pursuant to sections 115.001 to 115.641 and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. Each ballot shall be plain paper, through which printing or writing cannot be read, and shall have:

(1) Each party name printed in capital letters not less than eighteen point in size;

(2) A circle one-half inch in diameter immediately below each party name;

(3) The name of each office printed in capital letters not less than eight point in size;

(4) The name of each candidate printed in capital letters not less than ten point in size;

(5) A small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidates' names under the office in a column is less than the number of positions to be filled, the number of squares and write-in lines printed in the column shall equal the difference between the number of candidates' names and the number of positions to be filled;

(6) The list of candidates of each party and all nonpartisan candidates placed in separate columns with a heavy vertical line between each list;

(7) A horizontal line extending across the ballot three-eighths of an inch below the last name or write-in line under each office in such a manner that the names of all candidates and all write-in lines for the same office appear between the same horizontal lines. If write-in votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below the name of the last candidate under each office;

(8) In a separate column or beneath a heavy horizontal line under all names and write-in lines, all questions;

(9) At least three-eighths of an inch below all other matter on the ballot, printed in ten point Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking his ballot as provided in section 115.439;

(10) Printed at the top on the face of the ballot the words "Official Ballot" followed by the date of the election and the statement "Instruction to Voters: Place an X in the square opposite the name of the person for whom you wish to vote."

3. As nearly as practicable, each ballot shall be in substantially the following form:

OFFICIAL BALLOT

DATE _____

REPUBLICAN O For President and Vice President <input type="checkbox"/>	DEMOCRATIC O For President and Vice President <input type="checkbox"/>	THIRD PARTY O For President and Vice President <input type="checkbox"/>	INDEPENDENT O For President and Vice President <input type="checkbox"/>
For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>	For United States Senator <input type="checkbox"/>
For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>	For Governor <input type="checkbox"/>
For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>
For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>
For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>
For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>
For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>
For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>
For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>
For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>

(L. 1977 H.B. 101 §8.101, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526)
 Effective 5-20-82

115.239. Placement of party candidates on ballot, how determined.—1. The party casting the highest number of votes for governor at the last gubernatorial election shall be placed in the first or left-hand column on the ballot. The party casting the next highest number of votes for the same office shall be placed in the next column to the right, and so on until all established parties have been placed. In order of the date their petitions were filed, new parties shall then be placed in columns to the right of the established party receiving the smallest vote for governor. If there is no more than one independent candidate for any office, all independent candidates

shall be placed in one column to the right of the new party filing the latest petition. If there is more than one independent candidate for any office, the candidate filing the earliest petition shall be placed in the column to the right of the new party filing the latest petition. The independent candidate filing the next earliest petition shall be placed in the next column to the right, and so on until all independent candidates for the office have been placed.

2. The name of each candidate shall be placed in the appropriate column by the election authority.

(L. 1977 H.B. 101 §8.105)

Effective 1-1-78

115.241. Party emblem, where printed.—Each party emblem shall be printed on the ballot above the party caption.

(L. 1977 H.B. 101 §8.110)

Effective 1-1-78

115.243. President and vice president to be considered one candidate—ballot, how printed, contents of.—1. For the purposes of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo,* the candidates for president and vice president of the United States from any political party or group of petitioners shall be considered one candidate. The names of the candidates for president and vice president from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column on the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length. The names of candidates for presidential electors shall not be printed on the ballot but shall be filed with the secretary of state in the manner provided in section 115.399.

2. A vote for any candidate for president and vice president shall be a vote for their electors.

3. When presidential and vice-presidential candidates are to be elected, the following instruction shall be printed on the official ballot: "A vote for candidates for President and Vice President is a vote for their electors."

(L. 1977 H.B. 101 §8.115)

Effective 1-1-78

*Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of "this act".

115.245. Exact wording of the question certified by secretary of state to appear on ballot—all questions to require a "yes" or "no" response.—1. All questions printed on the official ballot shall be phrased in such a manner that the required response is a "YES" or a "NO". Immediately beside or below each question, a "YES" and a "NO" shall be printed, immediately followed by a square, the sides of which are not less than one-fourth inch in length. Beneath the question and the "YES" and "NO" the following instruction shall be printed: "If you are in favor of the question, place an X in the box opposite 'YES'. If you are opposed to the question, place an X in the box opposite 'NO'."

2. When the secretary of state certifies a question to be submitted to a vote of the people, he shall include in his certification the exact wording of the question and the instructions. The wording certified by the secretary of state shall be printed on the official ballot, and no other wording shall be used to submit the question.

(L. 1977 H.B. 101 §8.120)

Effective 1-1-78

115.247. Election authority to provide all ballots—error in ballot, procedure to correct—all ballots printed at public expense.—1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo,* shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo,* or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election, the election authority shall provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. The election authority shall keep a record of the exact number of ballots delivered to each polling place.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies. All unused ballots delivered to the election authority may be distributed by the election authority to schools in its jurisdiction. Before distribution, all unused ballots shall be stamped "void" by the election authority.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections 2.500 to 2.545.**

(L. 1977 H.B. 101 §8.125)

Effective 1-1-78

**Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of "this act".*

***Sections 2.500 to 2.545 appear in original rolls. Section 2.500 does not appear in the text of the act. The next sections following section 2.500 have been renumbered and consist of sections 115.061 to 115.077.*

115.249. Standards required of voting machines.—No voting machine shall be used unless it

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for, and no other;
- (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;
- (5) Permits each voter at a general election to vote for all candidates of one party by use of a single lever or to vote a split ticket, as he desires;
- (6) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- (7) Permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice president and their presidential electors;
- (8) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;
- (9) Is provided with a lock or locks which prevent any movement of the voting or registering mechanism and any tampering with the mechanism;
- (10) Is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected;

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

(12) Is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels;

(13) Is provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters.

(L. 1977 H.B. 101 §8.300)

Effective 1-1-78

115.251. Recording counters defined—machine may have device for preserving recording counter readings before and after election.—Any voting machine may be provided with a device for printing, embossing or photographing the recording counters before the polls open and after the polls close. “Recording counters” are the counters which show the total number of votes cast for each candidate and for and against each question at any particular time.

(L. 1977 H.B. 101 §8.305)

Effective 1-1-78

115.253. Voting machine ballot labels, how printed and displayed.—Prior to every election at which voting machines are used, the election authority shall insert ballot labels into the voting machines. The ballot labels shall be printed in black on white material of uniform size and shall fit the ballot frames of the machines. In its discretion, the election authority may print the names of the offices in red. The part of the ballot labels pertaining only to questions may be printed in black upon material tinted red. After the ballot labels have been inserted into the machines, the face of each ballot label shall be completely covered with a protective covering of smooth, hard, transparent material so that it is impossible to alter the face of the ballot label without removing or breaking the covering.

(L. 1977 H.B. 101 §8.310)

Effective 1-1-78

115.255. Voting machine ballots, information thereon, how arranged.—1. In polling places using voting machines, the ballot information may be arranged in vertical or horizontal rows. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot label. All ballot labels shall be placed to indicate clearly to the voter which key lever or other device to operate in order to vote on questions and for the candidates of his choice.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions in polling places where voting machines are used.

(L. 1977 H.B. 101 §8.315)

Effective 1-1-78

115.257. Voting machines to be put in order, procedure to be followed.—1. In jurisdictions where voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places. Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).

2. At least five days before preparing voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate

and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When a machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting and sealed in their presence with a numbered metal seal. The observers shall certify the number on each machine, the number on each protective counter, the number on each seal and that each recording counter is set at zero.

4. After a voting machine has been properly prepared, locked and sealed, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. Nothing in this section shall prohibit the on-site storage of voting machines and the preparation of the machines for voting, provided the voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 and 4 of this section.

(L. 1977 H.B. 101 §8.320, A.L. 1978 H.B. 971)

115.259. Voting machines to be visible to election judges at polls.—At each polling place using voting machines, the exterior of the voting machines shall be in plain view of the election judges. Each voting machine shall be so placed that, unless its construction requires otherwise, the ballot labels can be plainly seen by the election judges when not in use by voters. The election judges shall not be nor permit any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted. The election judges may inspect any machine as necessary to make sure the ballot label is in its proper place and that the machine has not been damaged.

(L. 1977 H.B. 101 §8.325)

Effective 1-1-78

115.261. Voting machine not to be unlocked or opened during election, exception.—During an election, no door or other counter compartment covering shall be unlocked or opened or the counters exposed, except by direction of the election authority, and then only for good and sufficient reason. If the door or other counter compartment covering on any machine is opened by the election authority or his representative, the reason for such opening shall be stated in writing, signed by the election authority or his representative and attached to one statement of returns.

(L. 1977 H.B. 101 §8.330)

Effective 1-1-78

115.263. No persons except voters to handle voting machine during election, exception.—After the opening of the polls, the election judges shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority.

(L. 1977 H.B. 101 §8.335)

Effective 1-1-78

115.265. Inoperative voting machine, procedure to follow.—If any voting machine at a polling place becomes inoperative, the election judges shall immediately notify the election authority. If possible, the election authority shall repair or replace the machine. If a voting machine is replaced with another machine, the votes on both machines shall be recorded at the close of the polls and shall be added together

in determining the results of the election. If the inoperative machine cannot be repaired, and no other machine is available for use, paper ballots, made as nearly as practicable to the official ballot may be used. At the close of the polls, the votes on paper ballots and the votes on the voting machines shall be recorded and shall be added together in determining the results of the election. All paper ballots used pursuant to this section shall be used in accordance with the laws affecting paper ballots and shall be returned to the election authority as paper ballots are returned with a statement describing how and why the paper ballots were voted.

(L. 1977 H.B. 101 §8.340)

Effective 1-1-78

115.267. Experimental use, adoption of or abandonment of automated voting equipment authorized.—Any election authority may adopt, experiment with or abandon any voting machine meeting the requirements of this subchapter or any electronic voting system approved for use in the state, or may lease one or more voting machines or other equipment, either with or without option to purchase, and may use any authorized voting equipment at any polling place in its jurisdiction.

(L. 1977 H.B. 101 §8.345)

Effective 1-1-78

115.269. Exhibition, demonstration and instruction on voting machines authorized.—For the purpose of giving instructions on their use, any election authority may designate suitable times and places for the exhibition and demonstration of its voting machines or marking devices. During such instructions, the voting machines and marking devices may contain sample ballot labels which show the names of offices and fictitious candidates. No voting machine shall be used for instruction after it has been prepared and sealed for use at an election, unless it is prepared again and resealed prior to the election. During the instructions, no counting mechanism on any voting machine shall be exposed to view.

(L. 1977 H.B. 101 §8.350)

Effective 1-1-78

115.271. Voting machines may be rented out or loaned to civic or educational organizations, when, procedure.—1. While its voting machines or marking devices are not in use, the election authority may permit civic or educational organizations to use the machines or devices for the purpose of giving instructions on their use.

2. Any election authority may rent its voting machines or marking devices to any other group for use in its elections.

3. At the discretion of the election authority, the machines or devices may be transported at the expense of the organizations using them. The president or secretary of each organization using such machines or devices shall sign a receipt therefor and shall agree in writing that the organization assumes liability for any damage or loss occurring to the machines or devices up to the time they are returned to the election authority and will return the machines or devices by a designated time.

(L. 1977 H.B. 101 §8.355)

Effective 1-1-78

115.273. Consistent general law to apply in jurisdictions using voting machines.—All provisions of law not inconsistent with the provisions of sections 115.249 to 115.271 shall apply with full force and effect to elections in jurisdictions using voting machines.

(L. 1977 H.B. 101 §8.360)

Effective 1-1-78

ABSENTEE VOTING

115.275. Definitions relative to absentee ballots.—1. As used in this subchapter, unless the context clearly implies otherwise, the term “**absentee ballots**” means the ballots designed to be voted away from the polls which list all the candidates and questions to be voted on at an election, and also the ballot containing only the names of federal candidates and candidates for statewide office.

2. As used in this subchapter, “**persons in federal service**” includes:

(1) Members of the armed forces of the United States, while in active service, and their spouses and dependents;

(2) Active members of the merchant marine of the United States and their spouses and dependents;

(3) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(4) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(5) Persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.

(L. 1977 H.B. 101 §9.001)

Effective 1-1-78

115.277. Persons eligible to vote absentee.—1. Any registered voter of this state may vote by absentee ballot if he expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which he is registered to vote;

(2) Incapacity or confinement due to illness or physical disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than his polling place;

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

2. Any person in federal service who is eligible to register and vote in any election in this state may vote in the election even if he is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that he is qualified to vote in the election, may vote at his polling place.

3. Any person who is authorized to vote for federal officers by federal law may vote by absentee ballot for presidential and vice-presidential electors, United States senator, representative in Congress and statewide elected officials without being registered. Such person shall make an application for an absentee ballot not later than 7:00 p.m. on the day of the election.

4. Any registered voter who moves from one jurisdiction in the state to another jurisdiction in the state after 5:00 p.m. or the normal closing time of the public place where registration for his new place of residence is being held if such time is later than 5:00 p.m. on the third Wednesday prior to an election may vote by absentee ballot at the election for presidential and vice-presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from his new jurisdiction of residence without being registered in his new jurisdiction of residence. Such voter shall make an application for an absentee ballot not later than 7:00 p.m. on the day of the election.

(L. 1977 H.B. 101 §9.005, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31)

115.279. Application for absentee ballot, how made.—1. Application for an absentee ballot may be made by the applicant in person or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which ballot he or she wishes to receive.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot submitted by mail or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority.

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

5. Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

(L. 1977 H.B. 101 §9.010, A.L. 1988 H.B. 933, et al.)

115.281. Absentee ballots to be printed, when.—1. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidates' names or questions are certified pursuant to section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear.

(L. 1977 H.B. 101 §9.015, A.L. 1983 S.B. 234, A.L. 1984 S.B. 682)

Effective 4-18-84

115.283. Statements of absentee voters—forms—notary seal not required, when.—

1. Each ballot envelope shall bear a statement on which the voter shall state his name, his voting address, his mailing address and his reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that he is qualified to vote in the election, that he has not previously voted and will not vote again in the election, that he has personally marked his ballot in secret or supervised the marking of his ballot if he is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by him or under his supervision if he is unable to seal it, and that all information contained in the statement is true. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- absence on election day from the jurisdiction of the election authority in which I am registered;
- incapacity or confinement due to illness or physical disability;
- religious belief or practice;
- employment as an election authority or by an election authority at a location other than my polling place;
- incarceration, although I have retained all the necessary qualifications for voting.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter

.....
Signature of Person
Assisting Voter
(if applicable)

.....
Address of Voter

.....
Subscribed and sworn to
before me this day

..... of, 19

.....
Mailing addresses
(if different)

.....
Signature of notary
or other officer authorized
to administer oaths

3. The statement for persons voting absentee ballots under the provisions of subsection 2, 3 or 4 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not declared incompetent by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

- am a member of the U.S. armed forces in active service;

- am an active member of the U.S. merchant marine;
- am a civilian employee of the U.S. government working outside the United States;
- am an active member of a religious or welfare organization assisting servicemen;
- have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;
- am a spouse or dependent of one of the above;
- am a registered voter in County and moved from that county to County, Missouri, after 5:00 p.m. on the fourth Tuesday prior to this election.

OR (check if applicable)

(2) I am a former resident of Missouri and authorized to vote for federal officers by federal law.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is to the best of my knowledge and belief, true.

.....
 Signature of Voter

Subscribed to and sworn before
 me this day of, 19.....

.....
 Address of Voter

Signature of notary or other
 officer authorized to
 administer oaths

.....
 Mailing Address (if different)

.....
 Signature of Person
 Assisting Voter
 (if applicable)

Address of Last Missouri
 Residence
 (for persons authorized to
 vote for federal officers
 by federal law)

4. The statement for persons voting absentee ballots who are entitled to vote at the election under the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri
County (City) of

I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- absence on election day from the jurisdiction of the election authority in which I am directed to vote;
- incapacity or confinement due to illness or physical disability;
- religious belief or practice;
- employment as an election authority or by an election authority at a location other than my polling place;
- incarceration, although I have retained all the necessary qualifications of voting.

I hereby state under penalties of perjury that I own property in the district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter
.....

Subscribed and sworn to before
me this day of, 19

.....
Address

.....
Signature of notary or other
officer authorized to
administer oaths

.....
Signature of Person
Assisting Voter
(if applicable)

5. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who are permanently disabled if they have filed a statement by a physician attesting to their permanent disability which would require the person to vote an absentee ballot with the election authority within the jurisdiction of their residence, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his absentee ballot.

6. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to illness or physical disability.

(L. 1977 H.B. 101 §9.020, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al., A.L. 1993 H.B. 551 & 552)

115.285. Secretary of state may prescribe regulations as to printing absentee ballot and mailing envelopes.—The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law.

(L. 1977 H.B. 101 §9.025, A.L. 1993 S.B. 31)

115.287. Absentee ballot, how delivered.—1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If any voter from the jurisdiction has become hospitalized in the county in which the jurisdiction is located or in any county or in the jurisdiction of an adjoining election authority within the same county after 5:00 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become confined due to illness or injury after 5:00 p.m. on the Wednesday before an election or if any voter from the jurisdiction is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the jurisdiction, the election authority may appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties of the first class with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed under the provisions of this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in red the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 42 USC, 1973 DD".

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

(L. 1977 H.B. 101 §9.030, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1988 H.B. 933, et al.)

115.289. Confidentiality of applications for absentee ballots, list available to authorized persons, free—certain cities and counties, special provision, violation, penalty.—1. Except as provided in subsection 3 of this section, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Any person authorized under subsection 2 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

2. Except as provided in subsection 4 of this section, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section 130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot.

3. In each city not within a county, in each first class county containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and

located in more than one county, situated in the county containing the major portion of the city, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Prior to 8:00 a.m. on the Friday before an election all absentee ballot applications, lists of absentee ballot applications, or any information contained on the absentee ballot applications shall be kept confidential. Use of the applications, lists or information contained thereon by the election authority prior to 8:00 a.m. on the Friday before an election for purposes other than processing absentee ballots shall be deemed a class one election offense. After 8:00 a.m. on the Friday before an election any person authorized under subsection 4 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

4. In each city not within a county, in each first class county containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and located in more than one county, situated in the county containing the major portion of the city, after 8:00 a.m. on the Friday before an election, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section 130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot.

(L. 1977 H.B. 101 §9.035, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234)

115.290. Registering by mail and voting absentee ballot to provide sworn affidavit, exception.—Any person registered by mail under the provisions of section 115.159 and voting by absentee ballot shall provide an affidavit subscribed and sworn to as provided in section 115.291 regardless of the cause for requesting such ballot unless the voter is exempt from such requirement under section 1973ee-3, title 42, United States Code.

(L. 1993 H.B. 551 & 552 §1)

115.291. Confidentiality of applications for absentee ballots, list available to authorized persons free—certain cities and counties, special provisions, violations, penalty—fax, transmission may be used to deliver or return ballot, when.—1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to illness or physical disability. If the voter is blind, unable to read or write the English language, or physically incapable of voting his ballot, he may be assisted by a person of his own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election

contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, by mail or registered carrier or by a team of deputy election authorities.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

(L. 1977 H.B. 101 §9.040, A.L. 1983 S.B. 234, A.L. 1993 H.B. 551 & 552 and S.B. 31)

115.292. Special write-in absentee ballot for persons in military service or remote areas for all officers, forms, procedure—write-in ballot to be replaced by regular ballot, when, effect.—1. Notwithstanding any other provision of this chapter, a qualified absentee voter, as described in subsection 3 of this section, may apply within eighty days of a general election for a special write-in absentee ballot. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write-in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. In order to qualify for a special write-in absentee ballot, the voter shall state that he is unable to vote by any other means due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made by federal postcard application, by letter, or on a form prepared by the local election authority.

4. Upon receipt of the application, the election authority shall issue a special write-in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

5. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write-in absentee ballot are returned, the regular absentee ballot shall be counted and the special write-in absentee ballot shall be voided.

(L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31)

115.293. Absentee ballots not eligible to be counted, when, procedure.—1. All proper votes on each absentee ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any absentee ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

2. If sufficient evidence is shown to an election authority that any absentee voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of, an absentee voter of voting district". The reason for rejection shall be noted on the envelope, which shall

be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

(L. 1977 H.B. 101 §9.045)

Effective 1-1-78

115.294. Reason for voting absentee not stated on ballot envelope, effect.—Other provisions of law to the contrary notwithstanding, no absentee ballot shall be rejected for failure of the voter to state on the ballot envelope his reason for voting an absentee ballot.

(L. 1989 H.B. 884 §1)

Effective 5-4-89

115.295. Faulty statement, effect of.—1. As each absentee ballot is received by the election authority, the election authority shall indicate its receipt on the list.

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

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

(L. 1977 H.B. 101 §9.050, A.L. 1983 S.B. 234)

115.297. Precinct registers to show absentee ballots received—judges to be notified of late absentee ballots received—voting absentee and at polls, procedure for.—Before the precinct registers are delivered to the polling places for an election, the election authority shall record in the precinct registers those voters who have submitted an absentee ballot and are ineligible to vote at the polls. On election day, the election authority shall notify the appropriate election judges of any absentee ballot received by the election authority not previously recorded in a precinct register. The election authority shall record the fact in the appropriate precinct register and shall not allow any person who has voted an absentee ballot in the election to vote at the polls on election day. After the election and before convening the verification board, the election authority shall record in the precinct registers those voters whose absentee ballots were received too late to permit previous recording in the precinct registers. If it is determined that any voter submitted an absentee ballot and voted at the polls on election day, the election authority shall certify the fact and the name of the voter to the verification board. Such certificate shall be included with the abstracts drawn by the verification board.

(L. 1977 H.B. 101 §9.055, A.L. 1986 H.B. 1471, et al.)

115.299. Absentee ballots, how counted.—1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges. Each team shall consist of four judges, two from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. One member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name

in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held 19.....". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held 19.....". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

(L. 1977 H.B. 101 §9.060, A.L. 1993 S.B. 31)

115.300. Preparation of absentee ballot envelopes, when, by whom.—In each jurisdiction using an electronic voting system and using ballot cards as absentee ballots, the election authority may prepare absentee ballot envelopes, as they are received for processing and tabulation on election day or on the day preceding election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot envelopes shall be prepared by teams of election authority employees, with each team consisting of one member from each major political party.

(L. 1978 S.B. 582)

115.301. Ballot cards and write-in votes on absentee ballots, how tabulated.—If ballot cards are used as absentee ballots, the teams shall meet on election day at a time and place designated by the election authority and shall proceed to separate the ballot cards from the write-in forms and to count the write-in votes as provided in section 115.467. The returns shall be made as provided in sections 115.471 and 115.473, and the ballot cards and other designated election materials shall be delivered to the counting location and tabulated in the manner provided in section 115.475, but no ballot card shall be tabulated before the time fixed by law for the closing of the polls.

(L. 1977 H.B. 101 §9.065)

Effective 1-1-78

115.303. Absentee ballot, how challenged.—Any absentee ballot or any vote on an absentee ballot may be challenged by the same persons and in the same manner as provided in section 115.429. Each challenge shall be decided in the manner provided in the same section.

(L. 1977 H.B. 101 §9.070)

Effective 1-1-78

115.304. Absentee voting violations, class one election offense.—Notwithstanding the provisions of any law to the contrary, any violation of sections 115.275 to 115.303 shall be a class one election offense.

(L. 1983 S.B. 234)

Parties
&
Nominations
of Candidates
63-86

POLITICAL PARTIES AND NOMINATION OF CANDIDATES

115.305. Exempt candidates—exception—certain fourth class cities—when.—

This subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices; provided that, cities of the fourth class, except those in a county of the first class with a charter from of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, RSMo, and the ordinance shall state which of these provisions of law are being adopted.

(L. 1977 H.B. 101 §10.001, A.L. 1981 H.B. 18)

CROSS REFERENCE: Fourth class cities, primary elections, procedure, cost; exception, RSMo 79.035

115.307. Nominations, how made.—Political parties and groups of voters may nominate candidates in the manner provided by this subchapter and in no other manner.

(L. 1977 H.B. 101 §10.005)

Effective 1-1-78

115.309. New parties, names of.—1. Except as provided in subsections 2 and 3 of this section, no political party hereafter organized and no persons hereafter seeking to nominate any candidate by petition shall use any portion of the name of any existing political party.

2. If a new party is formed for more than one district or county at the same time and with the same provisional party chairman, the same name may be used for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its name in other districts and counties, and in the state as a whole.

(L. 1977 H.B. 101 §10.010)

Effective 1-1-78

115.311. Consistent general law to apply to primary elections.—All provisions of law not inconsistent with this subchapter shall apply with full force and effect to primary elections.

(L. 1977 H.B. 101 §10.015)

Effective 1-1-78

115.313. Petitions to form new party or nominate independent candidates, who may sign.—Any person who is a registered voter of the state of Missouri may sign a petition for the formation of a new political party or for the nomination of an independent candidate for office. Any person who signs a name other than his own to any petition or knowingly signs his name more than once to the same petition or who knows he is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of this subchapter, shall be guilty of a class two election offense.

(L. 1977 H.B. 101 §10.025)

Effective 1-1-78

115.315. New political party, how formed—citation of law.—1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair Ballot Access Act".

2. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.

3. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:

(1) Declare concisely the intention to form a new political party in the state, district or county;

(2) State in not more than five words the name of the proposed party;

(3) If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president may be added to the party name, but the names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(4) Give a complete list of the names and addresses, including the street and number, of the chairman and treasurer of the party.

4. When submitted for filing, each petition shall contain the names and addresses of two people, not candidates, to serve as provisional chairman and treasurer for the party in the event the party becomes a new political party.

5. If the new party is to be formed for the entire state, which shall include being formed for all districts and counties in which the party has nominations so listed on its certified list of candidates required pursuant to section 115.327, then this statewide petition shall be signed by at least ten thousand registered voters of the state obtained at large.

6. If the new party is to be formed for any district or county, but not by the statewide method set out in subsection 5 of this section, then the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

(L. 1977 H.B. 101 §10.030, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31)

(1985) Signature requirements contained in subsection 4 are not unduly burdensome and do not violate principle of equality among voters and therefore are not unconstitutional. Libertarian Party v. Bond (8th Cir.), 764 F.2d 538.

115.317. Filing valid petition, effect—failure in two consecutive elections to provide candidates, effect.—The filing of a valid statewide petition shall constitute the political group a new party for the purpose of placing its name and the names of its statewide and district and county candidates which are submitted under section 115.327 on the ballot at the next general election, except that if, following establishment, at any two consecutive elections the party fails to have a statewide candidate, the party shall no longer be deemed an established party, or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. The filing of a valid countywide or districtwide petition shall constitute the

political party a new party for the purpose of placing its name and the names of its county and district candidates on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election, except that if, following establishment, at any two consecutive elections, the party fails to have a candidate in the district or county, as the case may be, the party shall no longer be deemed an established party. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election. If, at an election in which the new party's candidates first appear, any of its candidates for a statewide office receives more than two percent of all votes cast for the office, the new party shall become an established political party for the state. If, at the election in which the new party's candidates first appear, any of its candidates for an office receives more than two percent of the votes cast for the office in any district or county, the new party shall become an established political party only for the district or county.

(L. 1977 H.B. 101 §10.035, A.L. 1993 S.B. 31)

115.319. New party committeemen and committeewomen, how selected.—1. If any new party becomes an established political party, the new party candidates whose names first appeared on the ballot shall have authority to select all committeemen and committeewomen necessary for a provisional party organization in the area in which the party has become established.

2. The provisional party organization shall be subject to the same laws which apply to other established political party organizations.

3. The provisional party organization shall manage and control the affairs of the party until the next primary election at which the party shall nominate and elect party committeemen and committeewomen in the area it has become established under the laws governing other established political parties.

(L. 1977 H.B. 101 §10.040)

Effective 1-1-78

115.321. Independent candidate, how nominated.—1. Any person desiring to be an independent candidate for any office to be filled by voters throughout the state, or for any congressional district, state senate district, state representative district, or circuit judge district, shall file a petition with the secretary of state. Any person desiring to be an independent candidate for any county office shall file a petition with the election authority of the county.

2. Each page or a sheet attached to each page of each petition for the nomination of an independent candidate shall:

(1) Declare concisely the intention to nominate an independent candidate;

(2) State the name and address, including street and number, of the independent candidate. If independent candidates for presidential elector are to be nominated, a number of independent candidates for presidential elector equal to the number of electors to which the state is entitled shall be nominated by one petition, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector, and the name and address of each candidate shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president shall not be printed on the official

ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(3) State the office for which candidate is to be nominated.

3. If an independent candidate is to be nominated for a statewide office, the petition shall be signed by at least ten thousand registered voters of the state.

4. If the independent candidate is to be nominated for a district or county office, the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

5. The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election.

(L. 1977 H.B. 101 §10.045, A.L. 1985 H.B. 620, A.L. 1992 S.B. 31)

115.323. Limitation on voter's signing of nominating petition.—No voter may subscribe to more than one nomination for one office at any election.

(L. 1977 H.B. 101 §10.047)

Effective 1-1-78

115.325. Form of petition—signing petition, voting for candidate or party not required.—1. Each petition filed under the provisions of this subchapter shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than 8½ x 14 inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form:

It is a felony for anyone to sign any petition for the formation of a new party with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter. Signing this petition does not obligate you to vote for any candidate or party.

PETITION FOR PLACING A NEW PARTY ON THE BALLOT

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, County and (district if appropriate), respectfully order that the (name of new political party) and its candidates be placed on the ballot, for election or rejection to such public offices at the next election, to be held on the day of, 19. . . ., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, County and (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....
Signature of Affiant
(Person obtaining signatures)

.....
Address of Affiant

Subscribed and sworn to before me this day of, A.D. 19.....

.....
Signature of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

3. Each sheet of each petition for nomination of an independent candidate for public office shall be in substantially the following form:

It is a felony for anyone to sign any petition for the nomination of an independent candidate with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter.

PETITION FOR THE NOMINATION OF AN
INDEPENDENT CANDIDATE

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, County and (district if appropriate), nominate (name of independent candidate) as an independent candidate for (name of public office for which candidate is to be nominated) and respectfully order that the name of (name of candidate) be placed on the ballot, for

election or rejection to such office at the next election, to be held on the day of, 19....., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, County and (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....
Signature of Affiant
(Person obtaining signatures)

.....
Address of Affiant

Subscribed and sworn to before me this day of, A.D. 19.....

.....
Signature of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

4. When any registered voter wishes to sign a petition for the formation of a new party or nomination of an independent candidate and is unable to sign his name, the required information shall be printed on the petition by the circulator of the petition page. The voter shall then sign the petition by making his mark, witnessed by the signature of the circulator. For purposes of this subchapter, all marks made and witnessed in accordance with this subsection shall be considered signatures.

(L. 1977 H.B. 101 §10.050, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31)

115.327. Declaration for nomination of independent candidate or formation of new party when required, form, content.—When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall be accompanied by a declaration of candidacy for each candidate to be nominated by the petition or by the party, respectively. The party's duly authorized chairman and treasurer shall also submit a certified complete list of the names and addresses of all their candidates and the office for which each seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws. Each declaration of candidacy for the office of presidential elector shall be in the form provided in section 115.399. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of or the precinct of the ward of the city of, or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the ticket, to be voted for at the general (special) election to be held on the day of, 19, and I further declare that if nominated and elected I will qualify.

.....	Subscribed and sworn to before me this
Signature of candidate day of, 19.....
.....
Residence address	Signature of election official or officer authorized to administer oaths

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

(L. 1977 H.B. 101 §10.055, A.L. 1993 S.B. 31)

115.329. Time for filing of petitions.—1. The secretary of state or any election authority shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the first Monday in August immediately preceding the general election for which the petition is submitted.

2. When a special election to fill a vacancy is called, neither the secretary of state nor any election authority shall accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted after 5:00 p.m. on the day which is midway between the day the election is called and the election day.

(L. 1977 H.B. 101 §10.060, A.L. 1988 H.B. 933, et al.)

115.331. Receipt to be given for filed petition.—When any petition is offered for filing with the secretary of state or an election authority under the provisions of this chapter, the officer receiving the petition shall prepare and issue to the

person submitting the petition a receipt indicating the number of petition pages presented from each county. The receipt shall be evidence of the filing of the petition pages subject to the determination that the petition complies with the provisions of this chapter.

(L. 1977 H.B. 101 §10.065, A.L. 1978 H.B. 971)

115.333. Determination of validity or invalidity, when made—refusal to file, procedure to have court determine validity.—1. When any petition is filed with the secretary of state or an election authority under the provisions of this subchapter, the secretary of state or the election authority shall determine whether or not it complies with the provisions of this subchapter. When any petition is filed with the secretary of state or an election authority under the provisions of this subchapter, the secretary of state or the election authority shall, not later than the seventh Tuesday prior to the general election, issue a statement setting forth his determination. When a petition for the formation of a new party or nomination of an independent candidate for a special election is filed with the secretary of state or an election authority, the secretary of state or the election authority shall issue a statement setting forth its determination as soon as possible but in no case too late to permit placement of the party or candidate on the ballot. If the secretary of state or the election authority determines that a petition does not comply with the provisions of this subchapter, he shall state the reason for his determination in the statement.

2. If the secretary of state or the election authority refuses to file a petition for the formation of a new party or the nomination of an independent candidate or refuses to issue a statement setting forth his determination within the time prescribed, any registered voter may apply, within ten days after the refusal, to the circuit court for a writ of mandamus to compel him to file the petition or issue the statement. Within ten days after the secretary of state or the election authority issues a statement setting forth his determination, any registered voter may apply to the circuit court to compel the secretary of state or the election authority to reverse his determination. If it is decided by the court that the petition is legally sufficient, the secretary of state or the election authority shall file it, with a certified copy of the judgment attached thereto, as of the date it was originally offered for filing in his office. On showing that any petition filed is not legally sufficient, the court may enjoin all election officials from certifying or printing the name of the independent candidate or new party and its candidates on the official ballot. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party to the suit may appeal to the supreme court within ten days after a circuit court decision is rendered. The circuit court of Cole County shall have jurisdiction if the secretary of state is a party, and otherwise, the circuit court of the county in which the election authority is located shall have jurisdiction.

(L. 1977 H.B. 101 §10.070)

Effective 1-1-78

115.335. Validity of signatures, who shall determine—verification of signatures, procedures—rules authorized.—1. The secretary of state or the election authority shall have specific authority to determine the validity of signatures on petitions filed with his office and shall have authority not to count those which are, in his opinion, forged or fraudulent or the signatures of persons who are not registered voters.

2. For the purpose of verifying signatures on any new party or independent candidate petition filed with his office, the secretary of state may send copies of petition pages by certified mail to the appropriate election authorities for registration verification. Each election authority receiving a copy of petition pages shall check any signature indicated by the secretary of state against the registration records and return all such copies to the secretary of state by certified mail no later than the day designated by the secretary of state. The secretary of state shall not designate any deadline for returning copies and certifications which is less than ten or more than forty days after the copies have been received by the election authority. If the secretary of state or an election authority determines the congressional district number written after the signature of any registered voter is not the congressional district in which he resides, the secretary of state or the election authority shall correct the congressional district number on the petition page. Failure of a voter to give his correct congressional district number shall not alone be sufficient reason to disqualify his signature. Only valid signatures from the county named in the circulator's affidavit shall be counted on any petition page.

3. The secretary of state or election authority shall have authority to verify the signatures on petitions filed with his office by use of random sampling. Random sampling may be used on any petition on which five hundred or more signatures are required. Petitions requiring fewer than five hundred signatures shall have each signature checked and random sampling shall not be used. The random sample of signatures to be verified shall be drawn in such a manner that every signature contained on the filed petition shall be given an equal opportunity to be included in the sample. Such a random sampling shall include an examination of not less than five percent of the signatures so filed.

4. If the random sample verification establishes that the number of valid signatures is less than ninety-five percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify.

5. If the random sample verification establishes that the number of valid signatures total more than one hundred five percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to qualify in that district.

6. If the random sample verification establishes that the number of valid signatures is more than ninety-five percent but less than one hundred five percent of the number of qualified voters needed to find the petition sufficient, each signature filed shall be examined and verified.

7. The secretary of state is authorized to adopt rules to ensure uniform, complete and accurate checking of petition signatures either by actual counting or random sampling. A rule or portion of a rule promulgated may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.

8. If copies of petition pages are sent to any local election authority for registration verification under the provisions of this subchapter, the secretary of state's final determination on the number of valid signatures submitted on the petition from the election authority's jurisdiction shall be based on the certification made by the election authority.

(L. 1977 H.B. 101 §10.073, A.L. 1993 S.B. 31)

115.337. City election authority to assist county election authority, verify signatures, when.—1. When an election authority for a county and an election authority for a city have jurisdiction within the same county, the county election authority may, for the purpose of verifying signatures on any new party or independent candidate petition filed with its office, deliver copies of petition pages to the city election authority for registration verification. The city election authority receiving a copy of petition pages shall check each signature indicated by the county election authority against its registration records and return all such copies to the county election authority no later than the day designated by the county election authority. At the same time the copies are returned, the city election authority shall certify to the county election authority the page number of each page it received and the total number of valid signatures from the city on the pages. The county election authority shall not designate any deadline for returning copies and certifications which is less than six or more than twelve working days after the copies have been received by the city election authority.

2. If copies of petition pages are sent to a city election authority for registration verification under the provisions of this section, the county election authority's final determination on the number of valid signatures submitted on the petition from the city shall be based on the certification made by the city election authority.

(L. 1977 H.B. 101 §10.075)

Effective 1-1-78

115.339. Nominations, how made.—Except as otherwise provided in this subchapter, all candidates for elective office shall be nominated at a primary election in accordance with the provisions of sections 115.339 through 115.405 of this subchapter.

(L. 1977 H.B. 101 §10.080)

Effective 1-1-78

115.341. Primary elections, when held.—For the nomination of candidates to be elected at the next general election, a primary election shall be held on the first Tuesday after the first Monday in August of even-numbered years.

(L. 1977 H.B. 101 §10.085)

Effective 1-1-78

115.343. Winner of primary to be only candidate of that party for that office—write-in in general election deemed independent.—The person receiving the greatest number of votes at a primary election as a party candidate for an office shall be the only candidate of that party for the office at the general election. The name of such candidate shall be placed on the official ballot at the general election unless he is removed or replaced as provided by law. Write-in candidates at a general election shall be considered to be independent candidates and may only be voted for if written on the ballot as an independent.

(L. 1977 H.B. 101 §10.090, A.L. 1983 S.B. 234)

115.345. Notice of offices for which candidates are to be nominated, when sent—election authority to publish notice with filing date.—1. Not later than the third Monday in December immediately preceding the primary election, the secretary of state shall prepare and transmit to each election authority a notice, in writing, designating the offices for which candidates are to be nominated at the primary election.

2. Upon receipt of notice, the election authority shall publish the notice and the date by which candidates must file for such offices in a newspaper of general circulation in its jurisdiction.

(L. 1977 H.B. 101 §10.095, A.L. 1993 S.B. 31)

115.347. Declaration of candidacy required prior to name appearing on ballot—fraudulent declaration a class one offense.—1. No candidate's name shall be printed on any official ballot unless his written, signed and sworn declaration of candidacy has been filed in the office of the appropriate election official as provided in this subchapter.

2. Any person filing a declaration of candidacy containing a false or forged signature or containing the name of a nonexistent or fictitious person shall be guilty of a class one election offense.

(L. 1977 H.B. 101 §10.098)

Effective 1-1-78

115.349. Time for filing of a declaration of candidacy—form of declaration.—

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

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

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

I,, a resident and registered voter of the precinct of the town of or the precinct of the ward of the city of or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, 19....., and I further declare that if nominated and elected to such office I will qualify.

.....
Signature of candidate

Subscribed and sworn to before me
this day of,
19.....

.....
Residence address

Signature of election official or
other officer authorized to
administer oaths

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

(L. 1977 H.B. 101 §10.100, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, A.L. 1993 S.B. 31)

115.351. Candidate may not file for more than one office or as a candidate for the same office on more than one ticket at the same election.—No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

(L. 1977 H.B. 101 §10.105)

Effective 1-1-78

***115.353. Declarations of candidacy, where filed.**—All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of article V, section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for the purpose of election procedures shall include associate circuit judges not subject to the provisions of article V, section 25 of the Missouri Constitution, in the office of the county election authority;

(3) For all county offices, in the office of the county election authority. In any county in which there are two boards of election commissioners, the county clerk shall be deemed to be the election authority for purposes of this section.

(L. 1977 H.B. 101 §10.110, A.L. 1978 H.B. 1634, H.B. 1694, A.L. 1984 H.B. 1611 Revision)

**Both versions of 115.353 appearing in RSMo 1978 were repealed by the enactment of this section.*

115.355. Declarations of candidacy to be filed in person by candidate, exceptions.—1. Except as provided in subsections 2 and 5 of this section and in section 115.377, each declaration of candidacy for nomination in a primary election shall be filed by the candidate in person in the office of the appropriate election official.

2. A candidate may file his declaration of candidacy by certified mail if he is:

(1) Unable to appear in person because of physical disability, and the declaration is accompanied by a sworn statement of a licensed physician so stating; or

(2) A member of the armed forces of the United States on active duty, and the declaration is accompanied by a sworn statement of the candidate's commanding officer so stating.

3. Except as provided in section 115.377, no election official shall accept for filing any declaration of candidacy for nomination in a primary election not presented to him by the candidate in person or which, if sent by certified mail pursuant to subsection 2 of this section, is not accompanied by the statement required in the same subsection.

4. Election officials shall require proof of identity of persons when filing declarations of candidacy in person and when filing by mail as provided in subsection 2 or 5 of this section.

5. Any judge seeking retention under sections 25(a) to 25(g) of article V of the Missouri Constitution may file his declaration of candidacy for election to succeed himself by certified mail.

(L. 1977 H.B. 101 §10.115, A.L. 1983 S.B. 234, A.L. 1985 S.B. 5, et al.)

115.357. Filing fees—declaration of inability to pay, form of.—1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I,, do hereby swear that I am financially unable to pay the fee of (amount of fee) to file as a candidate for nomination to the office of at the primary election to be held on the day of, 19.....

.....
Signature of candidate

Subscribed and sworn to before
me this day of,
19.....

.....
Residence address

.....
Signature of election official
or officer authorized to
administer oaths

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall

be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

(L. 1977 H.B. 101 §10.117, A.L. 1983 S.B. 234)

115.359. Withdrawal of candidacy, deadline for, how made.—1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted his declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eighth Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted his declaration of candidacy.

2. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

(L. 1977 H.B. 101 §10.120)

Effective 1-1-78

115.361. Filing to be reopened, when—death of incumbent candidate to create vacancy on ballot, when.—1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which he is the incumbent dies, withdraws as provided in subsection 1 of section 115.359, or is disqualified after the filing deadline for any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 of section 115.359, or is disqualified after the filing deadline for any primary election, leaving less candidates for the available positions than the number of available positions, filing for the office or position shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification, during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which he is the incumbent or a candidate for the position of political party committeeman or committeewoman dies after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the candidate's name shall be left on the ballot and, if a sufficient number of votes are cast for the deceased candidate to entitle him to nomination had he not died, a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for nomination to an office in which he is the incumbent or a candidate for the position of political party committeeman or committeewoman becomes disqualified after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

4. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which he is the only candidate for his party's nomination withdraws as provided in subsection 1 of section 115.359, or is disqualified after

the filing deadline for any primary election, filing for that office shall be reopened for a period of five working days, excluding holidays and weekends, following the withdrawal or disqualification, during which period new candidates may file declarations of candidacy for that party's nomination.

5. If a candidate for nomination to an office in which he is the only candidate for his party's nomination dies after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the candidate's name shall be left on the ballot and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

6. If a candidate for nomination to an office in which he is the only candidate for his party's nomination becomes disqualified after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

(L. 1977 H. B. 101 §10.123, A. L. 1979 S. B. 275, A. L. 1993 S. B. 31)

115.362. Disqualification, withdrawal, death of party's only candidate for nomination to office—effect, procedure.—1. Except as provided in subsections 2 and 3 of section 115.361, if a candidate for nomination to an office in which he is the only candidate for his party's nomination, withdraws as provided in subsection 1 of section 115.359, or is disqualified after the filing deadline for any primary election, filing for that office shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy for that party's nomination.

2. If a candidate for nomination to an office in which he is the only candidate for his party's nomination dies after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the candidate's name shall be left on the ballot and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for nomination to an office in which he is the only candidate for his party's nomination becomes disqualified after 5:00 p.m. on the third Friday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

(L. 1990 S. B. 862 §3)

Effective 7-10-90

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

(1) If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 9:00 a.m. on the second Monday prior to the primary election;

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

as the final date for withdrawing as a candidate for the office;

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

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

(1) If the person nominated as the party candidate shall die or become disqualified at or before 9:00 a.m. on the second Monday prior to the general election;

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

3. If a person nominated as a party's candidate who is unopposed shall die or become disqualified at or before 9:00 a.m. on the second Monday prior to the general election or shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office, the party nominating committee for any established political party may select a party candidate.

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

- (1) For an election called to fill a vacancy in an office;
- (2) For an election held pursuant to the provisions of section 105.030, RSMo, to fill an unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to the filing deadline for the primary election and not later than the eighth Tuesday prior to the general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a primary election, filing for the office shall be as provided for in sections 115.305 to 115.359.

(L. 1977 H.B. 101 §10.125, A.L. 1993 S.B. 31)

115.365. Nominating committee designated as to certain offices.—1. The nominating committee authorized to select a candidate for nomination or election to office under the provisions of section 115.363 shall be one of the following:

(1) To select a candidate for county office, the nominating committee shall be the county committee of the party;

(2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;

(3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;

(4) To select a candidate for circuit court judge not subject to the provisions of article V, section 25 of the state constitution, the nominating committee shall be the judicial district committee of the party;

(5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;

(6) To select a candidate for statewide office, the nominating committee shall be the state committee of the party.

2. After any decennial redistricting, the nominating committee shall be composed from the new districts, and the new district lines shall be used in the selection of a candidate.

(L. 1977 H.B. 101 §10.126, A.L. 1978 H.B. 1634, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234)

115.367. Change of district boundaries, effect on nominating committee.—1. In the event that the boundaries of a district have been altered, or a new district established

for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the members of the various nominating committees for that office, as provided in section 115.365 who reside within the altered or new district. The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor within the area to be represented at the last gubernatorial election.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party for such district or political subdivision. The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 115.365.

(L. 1977 H.B. 101 §10.127, A.L. 1982 S.B. 526)

Effective 5-20-82

115.369. Notice of vacancy, when given to nominating committee.—Upon notification of a vacancy authorized to be filled by a nominating committee under the provisions of section 115.363, the secretary of state or the election authority shall, not later than twenty-four hours after receiving such notification, notify the chairman of the appropriate nominating committee. If it is impossible to notify the chairman of the nominating committee, the secretary of state or the election authority shall notify the vice chairman of the chairman's county committee. If it is impossible to notify the vice chairman, the secretary of state or the election authority shall notify any member of the nominating committee. The chairman of the nominating committee shall, as soon as possible, but in no case later than two weeks after being notified of the vacancy, call a meeting of the nominating committee for the purpose of selecting a candidate to fill the vacancy. The meeting shall be called at a place located in the area the candidate is to represent. If the chairman does not call a meeting within the time specified, any member of the nominating committee may do so. The person calling the meeting shall notify each member of the nominating committee of the time and place of the meeting.

(L. 1977 H.B. 101 §10.128)

Effective 1-1-78

115.371. Majority of committee present required to nominate, exception.—1. To select a candidate under the provisions of section 115.363, a majority of the members of the nominating committee must be present. Except as provided in subsection 2 of this section, a member must be present in person to vote, and a majority vote of the members present shall be sufficient to nominate a candidate. In accordance with section 115.627, a party state committee may provide for weighted or fractional voting. The committee shall have no power to delegate its authority to any other person or group.

2. If a member of one nominating committee is a member of one or more additional nominating committees meeting on the same day, the member may, if he or she attends one of the meetings, select a person to participate and vote at each additional meeting in his or her stead.

(L. 1977 H.B. 101 §10.129, A.L. 1988 H.B. 933, et al.)

115.373. Candidates selected by committee to be certified to election authority, when—death of candidate selected by committee, effect of.—1. The name of a candidate selected by a party nominating committee for a primary election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the eighth Tuesday prior to the primary election. The name of a candidate selected by a party nominating committee for a general election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the seventh Tuesday prior to the general election. The name of a candidate selected by a party nominating committee for a primary or general election to fill a vacancy created by death or disqualification shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the Friday immediately prior to the election, whichever occurs sooner. The name of a person selected by a party nominating committee as a candidate to fill an unexpired term shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the day which is midway between the day the election is called and election day.

2. If the candidate selected by a party nominating committee for a primary, general or special election ballot dies prior to the election, the vacancy created by such death may be filled in the manner provided for filling vacancies created by death on the primary and general election ballots.

(L. 1977 H.B. 101 §10.130)

Effective 1-1-78

115.375. Chairman of party nominating committee may fill vacancy, when—false report of vacancy a class one offense.—1. When a vacancy is created by death or disqualification after 9:00 a.m. on the second Monday before an election and at or before 9:00 a.m. on the Friday immediately prior to an election and a party nominating committee would be authorized to fill the vacancy had it occurred at 9:00 a.m. on the second Monday before the election, the chairman of the party nominating committee shall have authority to select a candidate to fill the vacancy. The chairman of the nominating committee shall make an affidavit covering the facts before the judge of a court of record who shall, under his hand and the seal of the court, grant a certificate covering the facts. Except as provided in subsection 2 of this section, the certificate and the certification and declaration of candidacy required in section 115.377 shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the Friday immediately prior to the election.

2. Should the exigency of time be so great as to require it, notice of compliance with subsection 1 of this section and the certification provided for in section 115.377 may be conveyed to the secretary of state or proper election authority by telegraphic message no later than 5:00 p.m. on the Friday immediately prior to the election. The secretary of state or proper election authority shall proceed immediately upon receipt of such telegram to take action as though all required papers had been filed. If all required papers have not been filed with the secretary of state or proper election

authority before the time set for the opening of the polls on election day, no votes for the candidate selected by the nominating committee chairman shall be counted. Any false or corrupt use of the telegraph to mislead any officer in regard to a vacancy or substitution of a name upon a ballot shall be deemed a class one election offense.

(L. 1977 H.B. 101 §10.135)
Effective 1-1-78

115.377. Certification of nomination by committee or committee chairman, form of—candidate's declaration, form of.—1. Each selection of a candidate made by a party nominating committee under the provisions of section 115.363 shall be certified by the chairman or acting chairman of the nominating committee and filed with the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman or acting chairman before the election official accepting the certification or a notary public and shall be in substantially the following form:

I,, Chairman (Acting Chairman) of the party nominating committee duly authorized to nominate a candidate to fill the vacancy created by the death (withdrawal, disqualification, resignation) of, do hereby certify that on the day of, 19....., the nominating committee met and duly selected as the party candidate for nomination (election) to (fill the unexpired term in) the office of, district, at the primary (general, special) election to be held on the day of, 19.....

I further certify that before the meeting, each member of the nominating committee was properly notified of the time and place of the meeting, a majority of the members of the nominating committee were present at the meeting, and was duly elected by a majority of the members present at the meeting.

.....
Signature of chairman or acting chairman Subscribed and sworn to before me this day of, 19.....

.....
Signature of election official or notary public

2. Each selection of a candidate made by the chairman of a party nominating committee under the provisions of section 115.375 shall be certified by the chairman of the nominating committee and filed in the office of the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman before the election official accepting the certification or a notary public and shall be as far as practicable in the form provided in subsection 1 of this section.

3. When submitted for filing, each certification made by the chairman or acting chairman of a party nominating committee under the provisions of this section shall be accompanied by a declaration of candidacy and any filing fee required for the candidate selected by the nominating committee or its chairman. The declaration candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of the township of the county of

..... and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary (general, special) election to be held on the day of, 19....., and I further declare that if nominated and elected (elected) to such office I will qualify.

.....
Signature of candidate Subscribed and sworn to before me this day of, 19.....

.....
Residence address Signature of election official or officer authorized to administer oaths

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

4. Neither the secretary of state nor any election authority shall accept any certification, declaration of candidacy or filing fee submitted by the chairman or acting chairman of a party nominating committee after the deadline provided for submitting such certification in section 115.373 or 115.375. Any selection made by a party nominating committee or by the chairman of a party committee which is not made in accordance with the provisions of sections 115.363 to 115.377 shall be null and void.

(L. 1977 H.B. 101 §10.140)
Effective 1-1-78

115.379. Death of candidate after filing deadline and before election, procedure to be followed.—1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his name shall be printed on the primary, general or special election ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after 9:00 a.m. on the Friday immediately prior to the election, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle him to nomination or election had he not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

2. Whenever a candidate for nomination or election to an office is disqualified after 9:00 a.m. on the Friday immediately prior to a primary election, general election or special election to fill a vacancy, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the disqualified candidate to entitle him to nomination or election had he not become disqualified, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

3. Except as provided in subsection 2 of section 115.359, subsection 2 of section 115.361 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to a primary election, general election or special election to fill a vacancy, all appropriate election authorities shall see that such candidate's name is removed from the primary, general or special election ballot, as the case may be.

(L. 1977 H.B. 101 §10.145)
Effective 1-1-78

115.381. Secretary of state to notify appropriate election authorities of nomination, when.—Whenever a selection is properly certified to the secretary of state by the chairman or acting chairman of a party nominating committee for a special election or after the secretary of state has certified the names of candidates pursuant to section 115.387 or 115.401, the secretary of state shall immediately notify all appropriate election authorities of the selection.

(L. 1977 H.B. 101 §10.150)
Effective 1-1-78

115.383. Name changes on ballot, how made.—Any election authority duly notified that a name is to be removed from the ballot or that a new candidate has been selected shall have the proper corrections made on the ballot before the ballot is delivered to or while it is in the hands of the printer. If time does not permit correction of the printed ballot, the election authority shall have prepared small pasters, suitable for covering the name to be removed on the ballots, ballot labels or on the protective covering of each voting machine. If a candidate is replaced by a candidate pursuant to the provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in letters of the same size and type as all other names on the ballot. The appropriate election authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting machines before they are used for voting.

(L. 1977 H.B. 101 §10.155)
Effective 1-1-78

115.385. Party emblem, when submitted to secretary of state.—1. Not later than the tenth Tuesday before an election at which the party's name will appear on the ballot, the state committee of each established statewide political party, the chairman of the county or district committee of each political party established for a county or district, and the provisional party chairman of each new party and group of petitioners shall select a party emblem and submit it in writing to the secretary of state. No party shall submit the American flag as an emblem. Except as provided in subsections 2 and 3 of this section, no party shall submit any emblem deceptively similar to an emblem which has been used by any other party in the past five years or is the subject of a pending certification.

2. If a new party is formed for more than one district or county at the same time, with the same name and the same provisional party chairman, the same party emblem may be submitted for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its emblem in other districts and counties, and in the state as a whole.

4. When a party emblem is properly submitted to the secretary of state, the secretary of state shall certify the emblem to the appropriate election authorities when

he certifies the names of candidates * pursuant to sections 115.387 and 115.401.

(L. 1977 H.B. 101 §10.157)

Effective 1-1-78

*Word "candidate" appears in original rolls.

115.387. Secretary of state to furnish each election authority a list of candidates for each office and the order of their filing—list, when due.—Not later than the eighth Tuesday before each primary election, the secretary of state shall transmit to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in his office and is entitled to be voted for at the primary election, together with a designation of the office for which he is a candidate and the party he represents. In his certification, the secretary of state shall also include the order in which the candidates for each office filed their declarations of candidacy.

(L. 1977 H.B. 101 §10.160, A.L. 1985 H.B. 620)

115.389. Election authority to publish list of candidates, date of election and hours the polls will open.—Upon receipt of the certified list from the secretary of state, each election authority shall publish, under the proper party designations, the title of each office, the name and address of each candidate for each office to be voted on within its jurisdiction, the date of the primary election and the hours the polls will be open. The notice shall be published in a newspaper of general circulation within the jurisdiction of the election authority.

(L. 1977 H.B. 101 §10.165)

Effective 1-1-78

115.391. Sample ballots, when and how distributed.—Not later than the fourth Tuesday prior to the primary election, each election authority shall prepare sample official ballots. The sample ballots shall contain, under the appropriate offices and party designations, the names of all candidates to be voted on in its jurisdiction in the order they will appear on the ballot. Each sample ballot shall be printed upon tinted or colored paper, of a different tint or color from the official primary ballot, and shall contain no endorsements. Immediately after having the sample ballots prepared, each election authority shall mail to the chairman of each county committee in its jurisdiction and to each candidate named on the ballot, a copy of the sample ballot for his party. The election authority shall also post a copy of each sample ballot in a conspicuous place in its office.

(L. 1977 H.B. 101 §10.170)

Effective 1-1-78

115.393. Election authority to deliver official ballots to polls—number of ballots, how determined.—Prior to the primary election, each election authority shall correct any errors or omissions on the sample ballots and cause official ballots to be printed. For each party having a ballot at the primary election, the election authority shall deliver to each polling place a number of ballots equal to at least one and a half times the number of ballots cast in the voting district for the party at the next to last primary election. If no ballots were cast for a party in a voting district at the last primary election, the election authority shall deliver to the polling place a number of ballots estimated to be sufficient for the party.

(L. 1977 H.B. 101 §10.175)

Effective 1-1-78

115.395. Ballot for each party at primary—candidates listed in order of filing—ballot information, how shown.—1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

(L. 1977 H.B. 101 §10.180)

Effective 1-1-78

CROSS REFERENCE: Presidential primary ballot form to be as prescribed by section 115.395, RSMo 115.770

115.397. Voter may receive only one party ballot—voters not wishing a party ballot may vote for independents and on all propositions and questions.—In each primary election, each voter shall be entitled to receive the ballot of one and only one political party, designated by the voter before receiving his ballot. Each voter who participates in a party primary shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election.

(L. 1977 H.B. 101 §10.185)

Effective 1-1-78

115.399. Presidential and vice-presidential candidates, when certified to secretary of state—declaration of candidacy of presidential electors, form of.—1. Not later than the tenth Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for president and vice president of the United States.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each state committee, and the number of nominees for presidential elector named by each state committee shall equal the number to which the state is entitled.

3. When submitted for filing, each certification made by a state committee pursuant to the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy for each candidate for presidential elector. Each declaration of candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate and that if elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident of the congressional district and the state of Missouri do announce myself a candidate for the office of presidential elector from the congressional district (state at large) on the ticket, to be voted for at the presidential election to be held on the day of, 19....., and I further declare

that if nominated and elected to such office I will qualify.

.....	Subscribed and sworn to before me this
Signature of candidate	day of, 19
.....
Residence address	Signature of election official or officer authorized to administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official receiving the certification, a notary public or other officer authorized by law to administer oaths.

(L. 1977 H.B. 101 §10.190)
Effective 1-1-78

115.401. General election candidates, list to be sent to election authorities, when.—Not later than the eighth Tuesday prior to each general election, the secretary of state shall send to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in his office and is entitled to be voted for at the general election, together with a statement of the office for which he is a candidate and the party he represents or that he is an independent candidate.

(L. 1977 H.B. 101 §10.195, A.L. 1985 H.B. 620)

115.403. Forms to be prepared by secretary of state, when.—Not later than May first prior to each primary election, the secretary of state shall prepare all forms necessary to carry out the provisions of this subchapter. The forms shall be substantially followed in all primary elections.

(L. 1977 H.B. 101 §10.200)
Effective 1-1-78

115.405. False swearing a class one offense.—Any person making a sworn statement, affidavit or declaration of candidacy required by this subchapter who swears falsely or signs such document knowing the statements therein are untrue shall be deemed guilty of a class one election offense.

(L. 1977 H.B. 101 §10.205)
Effective 1-1-78

POLLING PLACES AND VOTING PROCEDURES

115.407. Polls, hours to be open.—The election judges shall open the polls at six o'clock in the morning and keep them open until seven o'clock in the evening. At seven o'clock in the evening, all voters at the polls, including any in line to vote, shall be permitted to vote.

(L. 1977 H.B. 101 §11.001)
Effective 1-1-78

115.409. Who may be admitted to polling place.—Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty, minor children under the age of twelve accompanying an adult

who is in the process of voting, members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637, provided that such coverage does not disclose how any voter cast his ballot on any question or candidate or in the case of a primary election on which party ballot they voted or does not interfere with the general conduct of the election as determined by the election judges or election authority, and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place.

(L. 1977 H.B. 101 §11.005, A.L. 1986 H.B. 1471, et al.)

115.411. Election authority to provide polling booths.—For each polling place in its jurisdiction, the election authority shall provide a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret.

(L. 1977 H.B. 101 §11.010)

Effective 1-1-78

115.413. Secretary of state to furnish election authorities election laws pamphlets, each polling place to have a copy—instructions to election judges may be furnished.—

1. Not later than the tenth day prior to each presidential election, and more often if necessary, the secretary of state shall furnish to each election authority a sufficient number of printed pamphlets containing the provisions of the constitution and laws of the state relating to elections. Each election authority shall carefully preserve the pamphlets in its office. At least one copy shall be provided by each election authority to each polling place in its jurisdiction at each election. After each election, all such pamphlets shall be returned to the office of the election authority with the election supplies.

2. The secretary of state may also publish instructions to election judges for distribution by election authorities to election judges.

(L. 1977 H.B. 101 §11.013)

Effective 1-1-78

115.415. Necessary equipment to be delivered to polls by election authority.—

Before the time fixed by law for the opening of the polls, the election authority shall deliver to the authorized election officials or to the polling place the appropriate ballots, ballot boxes, precinct registers, voting booths, voting machines and all other supplies, material and equipment necessary and appropriate for the polling place. The election authority shall make and preserve a record of each delivery.

(L. 1977 H.B. 101 §11.015, A.L. 1982 S.B. 526)

Effective 5-20-82

115.417. Voter instruction cards to be delivered to polls.—1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

(1) If paper ballots or an electronic voting system is used, the instructions shall inform the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

(2) If voting machines are used, the instructions shall inform the voter how to operate the machine in such a manner that he may vote as he wishes.

2. If marking devices or voting machines are used, the election authority shall also provide to each polling place a model of a marking device or portion of the face of a voting machine. If requested to do so by a voter, the election judges shall give instructions on operation of the marking device or voting machine by use of the model.

(L. 1977 H.B. 101 §11.020)
Effective 1-1-78

115.419. Sample ballots, cards or ballot labels to be delivered to the polls, when.— Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot labels which shall be a different color but otherwise exact copies of the official ballot. The samples shall be printed in the form of a diagram, showing the form of the ballot or the front of the marking device or voting machine as it will appear on election day.

(L. 1977 H.B. 101 §11.025)
Effective 1-1-78

115.421. Duties of election judges to be performed prior to opening of the polls.— Before the time fixed by law for the opening of the polls, the election judges shall:

- (1) Set up the voting equipment, arrange the furniture, supplies and records and make all other arrangements necessary to open the polls at the time fixed by law;
- (2) Post a voter instruction card in each voting booth or machine and in at least one other conspicuous place within the polling place and post a sample ballot in a conspicuous place near the voting booths;
- (3) Certify the number of ballots received at each polling place. In each polling place using voting machines, the election judges shall, in lieu of certifying the number of ballots received, certify the number on each voting machine received at the polling place, the number on the seal of each voting machine, the number on the protective counter of each voting machine and that all recording counters on all voting machines at the polling place are set at zero. If a recording counter on any voting machine is not set at zero, the election judges shall immediately notify the election authority and proceed as it directs;
- (4) Compare the ballot, ballot label or ballot card and ballot label with the sample ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If the names, numbers or letters do not agree, the election judges shall immediately notify the election authority and proceed as it directs;
- (5) Sign the tally book in the manner provided in the form for tally books in section 115.461, 115.473 or 115.487. If any election judge, challenger or watcher has not been previously sworn as the law directs, he shall take and subscribe the oath of his office as provided in section 115.091 or 115.109, and the oath shall be returned to the election authority with the tally book.

(L. 1977 H.B. 101 §11.030)
Effective 1-1-78

115.423. Ballot box, procedure for handling.— After the time fixed by law for the opening of the polls but before the voting begins, the election judges shall open the ballot box and show to all present that it is empty. The ballot box shall then be locked and the key kept by one of the election judges. The ballot box shall not be opened or removed from public view from the time it is shown to be empty until

the polls close or until the ballot box is delivered for counting pursuant to section 115.451. If voting machines are used, the election judges shall call attention to the counter on the face of each voting machine and show to all present that it is set at zero.

(L. 1977 H.B. 101 §11.035)
Effective 1-1-78

115.425. Name must be on precinct register to be eligible to vote, exception.— Except as provided in subsection 2 of section 115.277, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the election authority.

(L. 1977 H.B. 101 §11.040)
Effective 1-1-78

115.427. Voter to sign identification certificate—form of certificate—voter without his voter identification card, identification requirement.—1. In counties using binders as precinct registers, before receiving a ballot, each voter shall identify himself and write his address and sign his name on a certificate furnished to the election judges by the election authority. Each certificate shall be in substantially the following form:

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT
WARD OR TOWNSHIP
GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 19.....
Date

I hereby certify that I am qualified to vote at this election.
Sign Name
(Do Not Print)

Initials of two judges from Address
different political parties

2. In counties using computer printouts as the precinct register, before receiving a ballot, each voter shall present his voter identification card as provided in section 115.163. The computer printout shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the computer printout:

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT
WARD OR TOWNSHIP
GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 19.....
Date

I hereby certify that I am qualified to vote at this election. The voter shall sign his name and verify his address by his initials.

3. If any voter is unable to sign his name, an election judge shall print the name and address of the voter in the appropriate place on the certificate or printout, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

4. In counties using binders as the precinct register, two election judges, one from each major political party, shall compare the signature on the identification certificate with the signature on the precinct register.

5. In counties using printouts as the precinct register, two election judges, one from each major political party, shall compare the signature on the voter identification card with the signature on the computer printout. If the voter does not have his voter identification card, the judges shall require identification acceptable to the election authority. Personal knowledge of the voter by two election judges, one from each major political party, shall be acceptable identification to the election authority.

(L. 1977 H.B. 101 §11.045, A.L. 1983 S.B. 234, A.L. 1993 S.B. 31)

115.429. Person not allowed to vote—appeal, how taken—voter may be required to sign affidavit, when—false affidavit a class one offense.—1. The election judges shall not permit any person to vote unless satisfied that such person is the person whose name appears on the precinct register.

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

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges. If the election judges decide not to permit a person to vote because of doubt as to his identity or qualifications, the person may apply to the election authority or to the circuit court as provided in sections 115.193 and 115.223.

4. If the election judges cannot reach a decision on the identity or qualifications of any person, the question shall be decided by the election authority, subject to appeal to the circuit court as provided in section 115.223.

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

(L. 1977 H.B. 101 §11.050)

Effective 1-1-78

115.431. Identification certificates to be initialed by judges and preserved as poll lists.—1. In counties using binders as the precinct register, upon satisfactory identification of the voter, two judges of different political parties shall initial the voter's identification certificate. All identification certificates shall be numbered consecutively by an election judge in the order received, starting with the number "1". The signed identification certificates shall constitute the poll list and shall be securely fastened together in the order received.

2. In counties using computer printouts for precinct registers, upon satisfactory identification of the voter, two judges of different political parties shall place their initials on the line where the voter signed the printout. All voters' names on the printout shall be numbered consecutively in the order in which they have signed, starting with the number "1". The computer printout shall then constitute the poll list.

(L. 1977 H.B. 101 §11.055, A.L. 1983 S.B. 234)

115.433. Judge of each party to initial paper ballots or ballot cards, when.—

After the voter's identification certificate has been initialed, two judges of different political parties shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot card.

(L. 1977 H.B. 101 §11.060)

Effective 1-1-78

115.435. Voter to proceed to voting booth, when.—After initialing the voter's identification certificate and after completing any procedures required by section 115.433, the election judges shall allow the voter to proceed to the voting booth and vote.

(L. 1977 H.B. 101 §11.070)

Effective 1-1-78

115.436. Physically disabled may vote at polling place, procedure.—1. In jurisdictions using paper ballots and electronic voting systems, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall, when time permits, take a ballot, equipment and materials necessary for voting to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

2. In jurisdictions using voting machines, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall, when time permits, take an absentee ballot to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

3. The election authority in any jurisdiction may designate a polling place more accessible to any physically disabled voter than the polling place to which that voter would normally be assigned to vote, provided that the candidates and issues voted on are consistent for both the designated location and the voting location for the voter's precinct. The election authority may also assign members of the physically disabled voter's household to the same voting location as the physically disabled voter. In no event shall a voter be assigned under this section to a designated location apart from the established voting location for the voter's precinct if the voter objects to the assignment to another location.

(L. 1979 S.B. 275, A.L. 1983 S.B. 234)

115.437. Judges to enter date on card.—An election judge shall enter the date of the vote in the appropriate place on the card.

(L. 1977 H.B. 101 §11.075, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al.)

115.439. Procedure for voting paper ballot.—1. If paper ballots or ballot cards are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) If the voter desires to vote a straight party ticket, he may place a cross (X) mark in the circle directly below the party name at the head of the column, or he may place cross (X) marks in the squares directly to the left of the names of candidates on one party ticket;

(2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the circle directly below one party name at the head of the column and cross (X) marks in the squares directly to the left of the names of candidates on other party tickets, or he may place cross (X) marks in the squares directly to the left of the names of candidates on different party tickets;

(3) If the voter desires to vote for a person whose name does not appear on the ballot, he may cross out a name which appears on the ballot for the office and write the name of the person for whom he wishes to vote above or below the crossed-out name and place a cross (X) mark in the square directly to the left of the crossed-out name. If a write-in line appears on the ballot, he may write the name of the person for whom he wishes to vote on the line and place a cross (X) mark in the square directly to the left of the name;

(4) If the ballot does not contain any party designations, the voter shall place a cross (X) mark in the squares directly to the left of the names of the candidates for whom he desires to vote;

(5) If the ballot is one which contains no candidates, the voter shall place a cross (X) mark in the square directly to the left of each "yes" or "no" he desires to vote. No voter shall vote for the same person more than once for the same office at the same election.

2. For purposes of this section, a punch or sensor mark or any other mark clearly indicating that the voter intends to mark that particular square shall be equivalent to a cross (X) mark.

3. If voting machines are used, the voter shall, immediately upon direction by the judges, go alone to a voting machine, close the curtain and vote in substantially the same manner provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot, however, the voter shall cause the designations to appear on the face of the voting machine, cast any write-in votes and register his votes as directed in the instructions for use of the machine.

4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may return it to an election judge and receive another. The election judge shall mark "SPOILED" across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS." After another ballot has been prepared in the manner provided in section 115.433, the ballot shall be given to the voter for voting.

5. If any sticker or other item containing a write-in candidate's name, in lieu of a handwritten name, is present on the ballot, such sticker or item shall contain a cross (X) mark, or other mark as described in subsection 2 of this section, in the square directly left of the candidate's name and the office for which the candidate is a write-in candidate. A write-in vote that does not meet the requirements of this subsection which appears on a ballot shall not be counted under sections 115.447 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense or optical scan technology, such system shall be programmed to identify and separate those ballots which contain an office in which write-in candidates are eligible to receive votes, and which contain less votes than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as defined in subsection

115.449
Pg 94

115.549
Pg 94
Plus Pg 98 (Forms)

8 of section 130.031, RSMo, and as such shall contain the designation required by subsection 8 of section 130.031, RSMo.

(L. 1977 H.B. 101 §11.080, A.L. 1993 S.B. 31)

115.441. Delay by voter prohibited.—Each voter shall vote without undue delay.

(L. 1977 H.B. 101 §11.085)

Effective 1-1-78

115.443. Paper ballots, how marked—ballot cards, procedure for voting— voting machines, how voted.—1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the cross (X) marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately.

2. Where ballot cards with envelopes are used, the voter shall, immediately before leaving the voting booth, place his ballot card in the ballot envelope. Where ballot cards with stubs are used, the voter shall, immediately after leaving the voting booth, hand his ballot card or envelope containing his ballot card to an election judge. The election judge shall remove the stub from the ballot card and, where ballot envelopes are used, replace the ballot card in the envelope and return the ballot card or envelope containing the ballot card to the voter. The voter shall place the ballot card or envelope containing the ballot card in the ballot box and leave the polling place immediately. Where ballot cards without stubs are used, the voter shall, immediately after leaving the voting booth, place the ballot card or ballot envelope containing the ballot card in the ballot box and leave the polling place immediately.

3. Where voting machines are used, the voter shall register his vote as directed in the instructions for use of the machine and leave the polling place immediately.

(L. 1977 H.B. 101 §11.090)

Effective 1-1-78

115.445. No one but voter in booth, exception.—1. Except as provided in subsections 2 and 3 of this section, no one other than the voter shall be permitted in any voting booth or permitted to be in any position where he may see how a voter is voting.

2. If any voter, after entering a voting booth, asks for further instructions concerning the manner of voting, two election judges of different political parties shall give such instructions. Such judges shall not enter the voting booth unless it is impossible to give the instructions otherwise. After giving the instructions, the judges shall leave the area and take all necessary measures to insure that the voter casts his vote in secret.

3. If any voter declares under oath to the election judges that he cannot read or write, is blind or has any other physical disability and cannot vote his ballot, he may be assisted by the election judges or by any person of his own choice other than a judge. If the voter asks for the assistance of election judges, two judges of different political parties shall go to the voting booth and cast his vote as he directs. If the voter asks for the assistance of someone other than election judges, the assistant shall go to the voting booth with the voter and cast his vote as he directs. No person, other than election judges and members of such voters' immediate families, shall assist more than one voter at one election.

(L. 1977 H.B. 101 §11.095)

Effective 1-1-78

COUNTING OF VOTES

115.447. Definitions.—1. As used in this subchapter, unless the context clearly implies otherwise, the following terms shall mean:

(1) **“Counting judges”** are the two judges, one from each major political party, who read each vote received by all candidates and each vote for and against all questions at a polling place;

(2) **“Receiving judges”** are the two judges, one from each major political party, who initial each voter’s ballot at a polling place;

(3) **“Recording judges”** are the two judges, one from each major political party, who tally the votes received by each candidate and for and against each question at a polling place. These terms describe functions rather than individuals, and any election judge may perform more than one function at a polling place on election day.

2. As used in this subchapter, unless the context clearly implies otherwise, the following terms shall mean:

(1) **“Defective ballot”** is any ballot card on which the number of write-in votes and votes cast on the ballot card for any office exceed the number allowed by law, and any ballot card which is bent or damaged so that it cannot be properly counted by automatic tabulating equipment;

(2) **“Rejected ballot”** is any ballot on which no votes are counted because the ballot fails to have the initials of the proper election judges, because the number of votes for all offices and on all questions exceeds the number authorized by law, because the voter is deemed by the election judges to be unqualified, because it is an absentee ballot not accompanied by a completed and signed affidavit, or because the ballot was voted with unlawful assistance;

(3) **“Spoiled ballot”** is any ballot accidentally spoiled by a voter and replaced by election judges in the manner provided in subsection 4 of section 115.439.

(L. 1977 H.B. 101 §12.001)

Effective 1-1-78

115.449. Ballots, when and how counted.—1. As soon as the polls close in each polling place using paper ballots, the election judges shall begin to count the votes. If earlier counting is begun pursuant to section 115.451, the election judges shall complete the count in the manner provided by this section. Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

2. One counting judge, closely observed by the other counting judge, shall take the ballots out of the ballot box one at a time and, holding each ballot in such a way that the other counting judge may read it, shall read the name of each candidate properly voted for and the office sought by each. As each vote is called out, the recording judges shall each record the vote on a tally sheet. The votes for and against all questions shall likewise be read and recorded. In a general election, the counting judges may separate the straight party ballots from the split party ballots and first read one and then the other. If more than one political subdivision or special district is holding an election on the same day at the same polling place and using separate ballots, the counting judges may separate the ballots of each political subdivision and special district and first read one set, then the next and so on until all proper votes have been counted.

3. After all of the proper votes on a ballot have been counted, the ballot shall be strung on a wire or string in the order read. After all the ballots have been read

and strung and after the recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots shall not be strung but shall be placed in separate containers marked "REJECTED" and "SPOILED".

4. After the recording of all proper votes, the recording judges shall compare their tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and one of the recording judges shall announce in a loud voice the total number of votes for each candidate and for and against each question.

5. After the announcement of the vote, the election judges shall record the vote totals in the appropriate places on each statement of returns. If any tally sheet or statement of returns contains no heading for any question, the election judges shall write the necessary headings on the tally sheet or statement of returns.

(L. 1977 H.B. 101 §12.005)

Effective 1-1-78

115.451. Judges may read and record votes before polls close, when— procedure to be followed.—If authorized by the election authority, the election judges may read and record votes before the close of the polls. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first hour of voting. At the end of the hour, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 115.423. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close or it is removed for counting pursuant to this section. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the ballots shall be read and recorded in the manner provided by section 115.449. In no case shall ballot boxes be switched at less than one hour intervals and then only if twenty-five or more ballots have been voted during the hour.

(L. 1977 H.B. 101 §12.010)

Effective 1-1-78

115.453. Procedure for counting votes for candidates.—Election judges shall count votes for all candidates in the following manner:

(1) If a cross (X) mark appears in the circle immediately below a party name at the head of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark appears in the circle immediately below more than one party name, no candidate shall be counted as voted for, except a candidate before whose name a cross (X) mark appears in the square preceding the name and a cross (X) mark does not appear in the square preceding the name of any candidate for the same office in another column. If a cross (X) mark appears in the circle immediately below a party name at the head of a column, and a cross (X) mark appears in the square next to the name of any candidate in another column, each candidate of the party whose circle is marked shall be counted as voted for, except where a cross (X) mark appears in the square preceding the name of any candidate in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the square preceding his name shall be counted as voted for.

(2) If no cross (X) mark appears in the circle immediately below any party name, but a cross (X) mark does appear in the square next to any candidate's name, the

name of each candidate next to which a cross (X) mark appears shall be counted as voted for, and no other name shall be counted as voted for. If cross (X) marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted.

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section when the intent of the voter seems clear. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law.

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed.

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless he receives a separate plurality of the votes without party designation regardless of whether or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast.

(L. 1977 H.B. 101 §12.015, A.L. 1979 S.B. 275, A.L. 1983 S.B. 234)

115.455. Procedure for counting votes on questions.—Election judges shall count votes on each question in the following manner:

(1) If a cross (X) mark appears in the square immediately beside or below the “YES”, the question shall be counted as voted for. If a cross (X) mark appears in the square immediately beside or below the “NO”, the question shall be counted as voted against;

(2) If a cross (X) mark appears in the square immediately beside or below the “YES” and in the square immediately beside or below the “NO”, the question shall neither be counted as voted for nor as voted against.

(L. 1977 H.B. 101 §12.020)

Effective 1-1-78

115.457. Uninitialed ballots rejected, exception.—If a ballot appears without the initials of two election judges, the ballot shall be rejected, except when it appears the absence of initials is due to a mistake of the election judges and that the ballot is otherwise legal and proper.

(L. 1977 H.B. 101 §12.025)

Effective 1-1-78

115.459. Duties of judges after polls close (paper ballots).—At each polling place using paper ballots, after the polling place is closed, the election judges shall

(1) Certify in the tally book the number of ballots cast, the number of identification certificates signed, the number of rejected and spoiled ballots and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Certify on two statements of returns the number of votes received by each candidate and for and against each question. No returns shall be signed in blank or before the polls have closed and all proper votes cast at the polling place have been counted;

(3) Certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned with the statement to the election authority.

(L. 1977 H.B. 101 §12.030)

Effective 1-1-78

115.461. Tally book, form of—tally sheet, form of—statements of returns, form of (paper ballots).—1. The tally book for each polling place using paper ballots shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of, 19..... AB, CD, EF, and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

The number of ballots received at this polling place is

The information on the official ballots received at this polling place is the same as the information on the sample ballots received at this polling place.

- AB
- CD Election Judges
- EF
- XP

We hereby certify:

The number of ballots cast at this polling place is

The number of identification certificates signed at this polling place is

The number of rejected ballots at this polling place is

The number of spoiled ballots at this polling place is

The number of ballots received at this polling place which were not cast at this election is

- AB
- CD
- EF
- XP

2. At each polling place using paper ballots, two tally sheets shall be included in each tally book. The tally sheets shall be in substantially the following form:

NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE AND THE NUMBER OF VOTES CAST FOR EACH PERSON

Office	Candidates	Tally of Votes					Total Votes
Governor	MC						
	HK						
	EH						
Representative in Congress	SS						
	RK						
	CB						

VOTES FOR AND AGAINST EACH QUESTION

Question	Tally of votes FOR			Tally of votes AGAINST			Total of votes FOR	Total of votes AGAINST
1. To _____								

2. To _____								

.....
Signature of Recording Judge

.....
Signature of Recording Judge
(of different political party)

3. At each polling place using paper ballots, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form:

We hereby certify that MC had votes for governor, and HK had votes for governor and EH had votes for governor; that SS had votes for representative in Congress, etc.
 We hereby certify that proposition number 1 received votes for and votes against; constitutional amendment number 1 received votes for and votes against, etc.
 We, the duly qualified and acting Judges of the polling place for precincts, at the general (special, primary) election held on the of, 19....., in county (City of St. Louis, Kansas City), Missouri do hereby certify that the foregoing

is a full and accurate return of all votes cast at this polling place for all candidates and for and against all questions.

AB

CD Election Judges

EF

XP

(L. 1977 H.B. 101 §12.035)

Effective 1-1-78

115.463. Procedure after statements of returns signed (paper ballots).—Immediately after signing the statements of returns, the election judges shall enclose the voted ballots, tally books, tally sheets, statements of returns and other election supplies in containers designated by the election authority.

(L. 1977 H.B. 101 §12.040)

Effective 1-1-78

115.465. Procedure for returning voted ballots (paper ballots).—1. If the election authority directs the voted ballots to be returned in a ballot box, the box shall be locked and the key removed. Each election judge shall write his name on a strip of paper which shall be pasted over the keyhole of the ballot box and extended over the upper lid of the box and over the top for some distance. The strip shall be pasted in such a manner that the signatures extend across the keyhole and place of opening so that if the box is opened or the key inserted in the keyhole, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

2. If the election authority directs the voted ballots to be returned in an envelope or other container, the container shall be sealed. Each election judge shall write his name on a strip of paper which shall be pasted over the opening of the container. The strip shall be pasted in such a manner that the signatures extend across the place of opening so that if the container is opened, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

3. On the outside of the ballot box or other container in which the ballots are returned, the location of the polling place and the date of the election shall be printed.

(L. 1977 H.B. 101 §12.045)

Effective 1-1-78

115.467. Duties of judges after polls close (electronic voting).—1. As soon as the polls close in each polling place using an electronic voting system, the election judges shall secure the marking devices against further voting and begin to count the write-in votes. If earlier counting of write-in votes is begun pursuant to section 115.469, the election judges shall complete the count in the manner provided in this section. Once begun, the count shall not be adjourned or postponed until all proper write-in votes in the ballot box have been counted.

2. The election judges shall remove the ballot cards from the ballot box and separate the ballots with write-in votes from those without write-in votes. If there is a separate form for write-in votes, all forms on which write-in votes have been recorded shall be consecutively numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. Where tallying of write-in votes is to be done at the polling place, the election judges shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes

including write-in votes for any office exceeds the number allowed by law, or if a voter has voted more than once for the same person for the same office at the same election, a notation of the fact shall be noted on the back of the ballot card, and it shall be returned with the write-in form, if any, to the counting location in an envelope marked "DEFECTIVE BALLOTS".

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear.

4. If any ballot card is damaged so that it cannot properly be counted by the automatic tabulating equipment, the fact shall be noted on the back of the ballot card and it shall be returned to the counting location in the envelope marked "DEFECTIVE BALLOTS".

(L. 1977 H.B. 101 §12.050, A.L. 1978 S.B. 582)

115.468. Write-in votes may be tallied at counting center.—At the discretion of the election authority, the verification and tallying of write-in votes may be done at the counting center by teams of election authority employees in lieu of at the polling place.

(L. 1978 S.B. 582)

115.469. Write-in votes, when counted—procedure to follow.—1. If authorized by the election authority, the election judges at any polling place using an electronic voting system may read and record write-in votes before the close of the polls and may send other voted ballots to the counting place. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first five hours of voting. Between eleven o'clock in the morning and twelve noon, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 115.423. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the write-in votes shall be read and recorded in the manner provided in section 115.467.

2. If early counting of write-in votes is begun pursuant to this section, the election judges shall, after counting and recording all proper write-in votes, separate all ballot cards, except defective ballot cards, from the write-in forms if any. The ballots which do not have write-in votes shall then be sent to the counting place in the same manner as ballots are sent upon the close of the polls. The election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", and all write-in forms containing proper votes, in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and the date of the election shall be printed. After sealing, the container shall be closely watched by the election judges until it is delivered to the counting location.

3. If early counting of write-in votes is begun pursuant to this section, the election authority shall appoint a team of employees or election judges who shall, between the hours of eleven o'clock in the morning and three o'clock in the afternoon, receive the ballot container from the election judges at the polling place and immediately deliver it to the counting location. Each team appointed pursuant to this subsection shall consist of two members, one from each major political party. If any ballot container is not sealed when it is delivered to the counting location, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. After delivery to the counting location, any ballot which is damaged and cannot be properly counted by the automatic tabulating equipment may be handcounted or duplicated in the manner provided in subsection 3 of section 115.477.

5. After delivery to the counting location, the proper votes on each ballot card may be transferred to magnetic tapes. Under no circumstances shall any such tape be read or interpreted until after the time fixed by law for the close of the polls and then only in the manner provided in section 115.477.

6. Write-in ballots may also be counted as provided in section 115.451.

(L. 1977 H.B. 101 §12.053, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526)

Effective 5-20-82

115.471. Certification of tally book and statements of returns as to write-in votes (electronic voting).—At each polling place using an electronic voting system, after the polling place is closed, the election judges shall

(1) Certify in the tally book: the number of ballots cast by reconciling the ballot stubs against the number of identification certificates signed; the number of defective and spoiled ballots; the number of ballots with write-in votes; and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor, if known, and shall return the statement with the statements of returns;

(2) Where tallying of write-in votes is to be done at the polling place, certify on two statements of returns the number of write-in votes received by each candidate. No returns shall be signed in blank or before the polls have closed and all proper write-in votes cast at the polling place have been counted;

(3) Certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned with the statement to the election authority.

(L. 1977 H.B. 101 §12.055, A.L. 1978 S.B. 582, A.L. 1983 S.B. 234)

115.473. Tally book, form of (electronic voting).—1. The tally book for each polling place using an electronic voting system shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of, 19..... AB, CD, EF, and XP judges; and ZR and LT, watchers; and BH and SP, challengers, at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

The number of ballots received at this polling place is

The information on the ballot cards and ballot labels received at this polling place is the same as the information on the sample ballots received at this polling place.

AB
CD Election Judges
EF
XP

We hereby certify:

- The number of ballots cast at this polling place is
- The number of identification certificates signed at this polling place is
- The number of defective ballots at this polling place is
- The number of spoiled ballots at this polling place is
- The number of voters casting proper write-in votes at this polling place is
- The number of ballots received at this polling place which were not cast at this election is

AB
CD Election Judges
EF
XP

2. Where tallying of write-in votes is to be done at the polling place, at each polling place using an electronic voting system, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the proper write-in votes and shall be in substantially the same form provided in subsection 2 of section 115.461.

3. Where tallying of write-in votes is to be done at the polling place, at each polling place using an electronic voting system, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form:

We hereby certify that BK had write-in votes for governor, and SF had write-in votes for governor, that JH had write-in votes for representative in Congress, etc. We, the duly qualified and acting judges of the polling place for precincts, at the general (special, primary) election held on the day of, 19....., in County (City of St. Louis, Kansas City), Missouri, do hereby certify that the foregoing is a full and accurate return of all write-in votes cast at this polling place for all candidates.

AB
CD Election Judges
EF
XP

(L. 1977 H.B. 101 §12.060, A.L. 1978 S.B. 582)

115.475. Return of ballot cards, tally books, and statements of returns, procedure for (electronic voting).—1. Immediately after signing the statements of returns, or earlier if convenient, the election judges shall separate all ballot cards, except defective ballot cards, from the write-in forms if any. As soon as possible after signing the statements of returns, the election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms containing proper votes, and the tally book, tally sheets and statements of returns in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and date of the election shall be printed.

2. As soon as possible after signing the statements of returns, the election judges shall enclose the write-in forms containing no votes, the unused ballots and other election supplies in containers designated by the election authority.

3. Immediately after the ballot cards and other election materials have been placed in the proper containers, the two supervisory judges shall together deliver the containers

to the counting location or other place designated by the election authority. If any ballot card container is not sealed when it is delivered to the counting location or other place designated by the election authority, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. If the election authority has directed the supervisory judges to deliver election materials to a place other than the counting location, the election authority shall appoint at least one team of election judges who shall receive the ballot containers from the supervisory judges and immediately deliver them to the counting location. Each team appointed pursuant to this subsection shall consist of two election judges or employees of the election authority, one from each major political party.

5. The election authority may authorize the delivery of ballots voted prior to 11:00 a.m. to the counting location prior to the closing of the polls.

(L. 1977 H.B. 101 §12.065, A.L. 1983 S.B. 234)

115.477. Ballot cards, procedure for counting (electronic voting).—1. In each jurisdiction using an electronic voting system, all proceedings at the counting location shall be under the direction of the election authority. The election authority shall appoint two judges, one from each major political party, to be present and observe the count. The counting shall be open to the public, but no persons, except those employed and authorized for the purpose, shall touch any ballot, ballot container or return.

2. All ballot cards shall be counted in order by polling place. The automatic tabulating equipment shall produce a return showing the total number of votes cast for each candidate and on each question at each polling place and in the jurisdiction as a whole.

3. If any ballot is damaged and cannot be properly counted by the automatic tabulating equipment, it may be handcounted in the manner provided for absentee ballots, or a true duplicate copy may be made of the defective ballot. If any ballot contains a number of votes and write-in votes for any office which exceeds the number allowed by law, it may be handcounted in the manner provided for absentee ballots, a true duplicate copy be made which does not include the invalid votes or, at the discretion of the election judges, a self-adhesive removable label, sensitized, may be placed over any mark to allow the ballot to be processed through the automatic tabulating equipment. The duplication of each ballot shall be closely observed by two election judges or employees of the election authority, one from each major political party. Each duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number which shall be recorded on the defective ballot, and shall be counted in lieu of the defective ballot.

(L. 1977 H.B. 101 §12.070, A.L. 1979 S.B. 275)

115.479. Tabulating equipment to be tested, when (electronic voting).—In each jurisdiction using an electronic voting system, the election authority shall, immediately after the count has been completed and the results received, have the automatic tabulating equipment tested to ascertain that the equipment has correctly counted the votes for all offices and on all questions. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to the public. The test shall be conducted by processing the same preaudited group of ballot cards used in the preelection test provided for in section

115.233. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the final results are announced. After the completion of an errorless count, the programs and the ballot cards shall be sealed, retained and disposed of as provided for paper ballots.

(L. 1977 H.B. 101 §12.075)

Effective 1-1-78

115.481. Official return of polling place, contents of (electronic voting).—The final and correct return printed by the automatic tabulating equipment added to the write-in, absentee and handcounted votes shall be the official return of each polling place and the jurisdiction.

(L. 1977 H.B. 101 §12.080)

Effective 1-1-78

115.483. Duties of judge after polls close (voting machines).—1. As soon as the polls close in each polling place using voting machines, the election judges shall lock and seal each voting machine against further voting and proceed to count the votes. Once begun, the count shall not be adjourned or postponed until all proper votes have been counted.

2. The election judges shall open the counting compartment on each voting machine or, if a machine is equipped with a device for printing, embossing or photographing the registering counters, the judges shall operate the machine to produce a record of the counters. One counting judge shall read the total vote cast for each candidate and for and against each question on each machine. The other counting judge shall watch and verify each total as it is being read from the recording counters or from the record of the counters. The two recording judges shall each record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges.

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear. No write-in vote shall be counted unless it is cast in the appropriate place on the machine.

4. If more than one voting machine is used in a polling place, the election judges shall read, verify and record all the totals from the first machine before proceeding to the second, and so on, until all of the totals on each machine in the polling place have been read, verified and recorded. The total number of votes from each machine shall be added to the write-in votes to determine the total vote for each candidate and for and against each question.

(L. 1977 H.B. 101 §12.085)

Effective 1-1-78

115.485. Certification of tally book and statements of returns (voting machines).—At each polling place using voting machines, after the polling place is closed, the judges shall

(1) Certify in the tally book the number on the protective counter of each machine, the number of identification certificates signed and the number of proper write-in

votes cast at the polling place. If the number of signed identification certificates is not the same as the number of votes cast as registered on the protective counters, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Certify on two statements of returns the total number of votes cast for each candidate and for and against each question at the polling place;

(3) Certify that each statement made in the tally book and on each statement of returns is correct. If any judge declines to certify that all such statements are correct, he shall state his reasons in writing, which shall be attached to each statement of returns and returned to the election authority.

(L. 1977 H. B. 101 §12.090)

Effective 1-1-78

115.487. Tally book, form of—tally sheet, form of (voting machines).—1. The tally book for each polling place using voting machines shall be in substantially the following form:

Tally book for precincts, at the general (special, primary) election held on the day of, 19..... AB, CD, EF; and XP judges, and ZR and LT, watchers and BH and SP challengers at this polling place, were sworn as the law directs before beginning their duties.

We hereby certify:

This polling place received voting machines numbered and

The number on the seal of voting machine number is

the number on its protective counter is

The number on the seal of voting machine number is

the number on its protective counter is

All recording counters on all voting machines received at this polling place are set at zero;

The information on the ballot labels on all voting machines received at this polling place is the same as the information on the sample ballots received at this polling place.

AB

CD

EF Election Judges

XP

We hereby certify:

The number on the protective counter of voting machine number is

The number on the protective counter of voting machine number is

The number of identification certificates signed at this polling place is

The number of proper write-in votes cast at this polling place is

AB

CD

EF

XP

2. At each polling place using voting machines, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges. The tally sheets shall be in substantially the following form:

NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE AND THE NUMBER OF VOTES CAST FOR EACH PERSON

Office	Candidates	Voting Machine Number—	Voting Machine Number—	Write-in Votes	Total Votes
Governor	MC				
	HK				
	EH				
Representative in Congress	SS				
	RK				
	CR				

VOTES FOR AND AGAINST EACH QUESTION

Question	Voting Machine Number _____		Voting Machine Number _____		Total Number of	Total Number of
	Votes FOR	Votes AGAINST	Votes FOR	Votes AGAINST	Votes FOR	Votes AGAINST
1. To _____ _____ _____						
2. To _____ _____ _____						

3. At each polling place using voting machines, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the form provided in subsection 3 of section 115.461.

(L. 1977 H.B. 101 §12.095)

Effective 1-1-78

115.489. Statements of returns, tally book, write-in votes and election supplies, how returned to election authority (voting machines).—1. Immediately after signing the statements of returns, the election judges shall enclose the write-in votes, tally books, statements of returns and other election supplies in containers designated by the election authority.

2. In each jurisdiction using voting machines, the election authority may direct the supervisory judges to place the precinct registers, identification certificates and

other election supplies inside the voting machines and lock them for return to the election authority.

(L. 1977 H.B. 101 §12.100)

Effective 1-1-78

115.491. Supervisory judges to return ballots and supplies to election authority, when.—1. Except as otherwise expressly provided in this subchapter, the two supervisory judges, one from each major political party, shall return the voted ballots, the ballots marked "REJECTED", "SPOILED", and "DEFECTIVE", the tally sheets, tally books and statements of returns, the registration records and other election supplies from each polling place to the election authority as soon as possible, but in no case later than two hours after the signing of the returns at the polling place. The election authority shall keep its office open until all ballots, returns and other election materials have been received. If any voted ballot container is not sealed, the election authority shall make a written statement of the facts which includes the location of the polling place and date of the election printed on the container and the reason the container is not sealed, if known.

2. If the election authority directs the voted ballots to be returned in a ballot box, one supervisory judge shall return the ballot box, one set of tally sheets and one statement of returns. The other supervisory judge shall return the keys to the ballot box, the tally book, the other set of tally sheets and the other statement of returns. If the election authority directs the voted ballots or write-in votes to be returned in sacks or other containers, one supervisory judge shall return the containers of voted ballots, one set of tally sheets and one statement of returns. The other supervisory judge shall return the other set of tally sheets and the other statement of returns.

(L. 1977 H.B. 101 §12.105)

Effective 1-1-78

115.493. Ballots and records to be kept one year, may be inspected, when.—The election authority shall keep all voted ballots, ballot cards and write-in forms, and all applications, statements, certificates, affidavits and computer programs relating to each election for twelve months after the date of the election. During the time that voted ballots, ballot cards and write-in forms are kept by the election authority, it shall not open or inspect them or allow anyone else to do so, except upon order of a legislative body trying an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards, write-in forms, applications, statements, certificates, affidavits and computer programs relating to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal case relating to the election is pending at the time, however, the materials shall not be destroyed until the contest, investigation or case is finally determined.

(L. 1977 H.B. 101 §12.110)

Effective 1-1-78

115.495. Voting machine to be kept locked—machine unlocked, when—exceptions.—Except for voting machines or voting devices used during the presidential preference primary election held on the second Tuesday in March, after being locked and sealed against further voting by the election judges, voting machines shall remain locked for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest,

grand jury investigation, or civil or criminal case relating to the election. Voting machines or voting devices used during the presidential preference primary election held on the second Tuesday in March, after being locked and sealed against further voting by the election authority, shall remain locked for a period of seven calendar days. During this time, the voting machines shall not be unlocked, except upon order of a court, grand jury or legislative body trying an election contest.

(L. 1977 H.B. 101 §12.115, A.L. 1988 H.B. 1216)

Effective 1-26-88

115.497. Verification board to convene, when.—As soon as practicable after each election, the election authority shall convene a verification board to verify the count and certify the results of the election.

(L. 1977 H.B. 101 §12.130)

Effective 1-1-78

115.499. Verification board, how constituted.—1. Where the election authority is a board of election commissioners, the board of election commissioners shall be the verification board.

2. Where the election authority is a county clerk, the county clerk and two verification judges, one from each major political party, shall be the verification board. The county clerk may, as he deems necessary, designate an even number of additional verification judges, one-half from one major political party and one-half from the other major political party. The verification judges shall possess the same qualifications as election judges. Not later than the second Tuesday preceding an election, the county clerk shall request and the county committee of each major political party in the jurisdiction of the election authority shall submit to the election authority a list containing the names of at least six persons qualified to serve on the verification board. Not later than the first Tuesday preceding the election, the election authority shall appoint not less than one person from each of the lists to serve on the verification board. If either county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the election authority shall select and appoint a member or members of the verification board from the party.

(L. 1977 H.B. 101 §12.305, A.L. 1993 S.B. 31)

115.501—115.601.

(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.501. Verification board, duties of—meetings, when.—As soon as possible after an election in which paper ballots or ballot cards are used, the verification board shall meet and check the addition and figures on all tally sheets and statements of returns and shall compare its record with the returns made by the election judges and the election authority on the day of the election. Before meeting, the verification board shall give notice of the time and place of the meeting to each independent and new party candidate and the chairman of the county committee of each political party named on the ballot at the election. The meeting and proceedings of the verification board shall be open to a representative of each independent candidate and political party named on the ballot. If there is a discrepancy between the returns of the election judges and the election authority and the record of the verification board, the verification board shall correct the returns made by the judges and election authority to conform to its record. The corrected returns shall supersede the returns

made by the election judges and the election authority on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

(L. 1977 H.B. 101 §12.310)
Effective 1-1-78

115.503. Verification board to inspect or cause inspection of voting machines.—

1. As soon as possible after an election in which voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each voting machine not equipped with printed election return mechanisms used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine and, without unlocking the machine against voting, record the votes cast on the machine. In precincts where voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the official return sheet for the votes cast on that machine, when properly certified by the precinct election officers. One copy of such printed return sheet shall be posted on the outside of the polling place for the information of the public. One copy shall be returned to the election authority and retained by it for not less than one year. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

2. After the verification board or committee has completed its inspection and record, it shall compare the record with the returns made by the election judges on election day. If there is a discrepancy between the returns of the election judges and the record of the verification board or committee, the verification board shall correct the returns made by the judges to conform to its record. The corrected returns shall supersede the returns made by the election judges on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

(L. 1977 H.B. 101 §12.315, A.L. 1978 S.B. 774)
Effective 4-28-78

115.505. Corrected returns prima facie evidence in election contests.—In case of an election contest, the corrected returns of the verification board shall be prima facie evidence of the vote at the election to the same extent and in the same manner as are the returns of the election judges and election authority on election day.

(L. 1977 H.B. 101 §12.320)
Effective 1-1-78

115.507. Announcement of results by verification board, when due—abstract of votes to be official returns.—1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. In any county in which there are two boards of election commissioners, the county clerk shall certify the cumulative returns of that county.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Not later than the third Thursday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of (City of St. Louis, Kansas City) on the day of, 19....., for the offices of", etc. In any county in which there are two boards of election commissioners, the county clerk shall mail or deliver to the secretary of state the abstract of votes in his jurisdiction, by polling place, for each such office, and on each such question.

*(L. 1977 H.B. 101 §12.325, A.L. 1978 H.B. 1694)
Effective 4-3-78*

115.509. Messenger to be sent for abstract of votes, when.—If the secretary of state fails to receive any abstract for one mail after it is due, he shall dispatch a messenger to the county not returned, with the direction to deliver the abstract, unless circumstances clearly justify a longer delay, which in no case shall exceed thirty days.

*(L. 1977 H.B. 101 §12.330)
Effective 1-1-78*

115.511. Board of state canvassers to convene, when—secretary of state to announce results, when.—1. The secretary of state shall convene the board of state canvassers to total the abstracts of each primary election and the board shall, not later than two weeks after receiving all required abstracts from the primary election, issue a statement announcing the results of the primary election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, secretary of state, attorney general, state treasurer and state auditor.

2. The secretary of state shall convene the board of state canvassers to total the abstracts of each general election and the board shall, not later than the fourth Tuesday in December following the general election, issue a statement announcing the results of the general election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, appellate and circuit judges subject to the provisions of article V, section 25 of the state constitution, secretary of state, attorney general, state treasurer and state auditor.

3. The secretary of state shall convene the board of state canvassers to total the abstracts of each special election at which the name of a candidate for nomination or election to the office of United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, circuit judge not subject to

the provisions of article V, section 25 of the state constitution, secretary of state, attorney general, state treasurer or state auditor, or at which an initiative, referendum or constitutional amendment appears on the ballot, and the board shall, not later than two weeks after receiving all required abstracts from the election, issue a statement announcing the results of the election for such office or on such question.

(L. 1977 H.B. 101 §12.335, A.L. 1978 H.B. 1634)

Effective 1-2-79

(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk.

Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.512. Votes for gubernatorial candidates, how reported.—Each election authority shall report the vote for each candidate for governor by committee district for each congressional district, senatorial district, and legislative district wholly or partially contained within the jurisdiction of the election authority to the chairman of the county committee of each established political party and to the secretary of state.

(L. 1982 S.B. 526)

Effective 5-20-82

115.513. Evidence of fraud or violation of law discovered by verification board to be reported.—If any verification board, bipartisan committee, election authority or the secretary of state obtains evidence of fraud or any violation of law during a verification, it shall present such evidence immediately to the proper authorities.

(L. 1977 H.B. 101 §12.340)

Effective 1-1-78

115.515. Tie vote in primary election, procedure to be followed.—1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of article V, section 29 of the state constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty

days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

3. As an alternative to the procedure prescribed in subsections 1 and 2 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing.

(L. 1977 H.B. 101 §12.345, A.L. 1993 S.B. 31)

Effective 6-30-93

115.517. Tie vote in general election, procedure to be followed.—1. If two or more persons receive an equal number of votes for election to the office of governor, lieutenant governor, secretary of state, state auditor, state treasurer or attorney general, and a higher number of votes than any other candidate for the same office, the secretary of state shall, immediately after the results of the election have been announced, issue a proclamation stating the fact, and the general assembly shall, by joint vote and without delay at its next regular session, choose one of such persons for the office. The speaker of the house shall file a certificate declaring which person has been elected to the office with the secretary of state.

2. If two or more persons receive an equal number of votes for election to federal office, state senator, state representative or circuit judge not subject to the provisions of article V, section 25 of the state constitution, and a higher number of votes than any other candidate for the same office, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the governor to each election authority responsible for conducting the special election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

3. If two or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in section 115.515 or this section, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

4. As an alternative to the procedure prescribed in subsections 1, 2, and 3 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time

and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing.

(L. 1977 H.B. 101 §12.350, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 31)

Effective 6-30-93

115.519. Runoff election between tied candidates only.—Only the names of those persons who have received an equal number of votes for nomination to an office at party primary and a higher number of votes than any other candidate for the same office on the same party ballot shall appear on the special primary election ballot. Only the names of those persons who have received an equal number of votes for nomination or election to an office at any other election, and a higher number of votes than any other candidate for the same office at the same election shall appear on the special election ballot.

(L. 1977 H.B. 101 §12.360)

Effective 1-1-78

115.521. Notice of runoff election published, when.—Except as provided in subsection 2 of section 115.023, each election authority receiving a proclamation ordering a special election to decide a tie vote shall cause legal notice of the election to be published once in the fourteen days prior to the election. The notice shall be published in a newspaper of general circulation in the election authority's jurisdiction and shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

(L. 1977 H.B. 101 §12.365)

Effective 1-1-78

115.523. Certificate of nomination to issue, when—certificate of election to issue, when.—1. As soon as possible after each primary election, each person nominated for an office at the primary election shall be issued a certificate of nomination.

2. As soon as possible after each other election, each person elected to an office at the election shall be issued a certificate of election.

3. The certificate shall be issued to each person nominated or elected by the officer responsible for accepting such person's declaration of candidacy.

(L. 1977 H.B. 101 §12.370)

Effective 1-1-78

115.525. Each house of general assembly to receive list of its newly elected members, when.—Within two days after the first meeting of each general assembly, the secretary of state shall lay before each house a list of its elected members, consistent with the abstracts in his office.

(L. 1977 H.B. 101 §12.375)

Effective 1-1-78

ELECTION CONTESTS

115.526. Qualifications of candidates may be challenged, by whom, procedure—disqualification, when.—1. Any candidate for nomination to an office at a primary election may challenge the declaration of candidacy or qualifications of any other candidate for nomination to the same office to seek or hold such office, or to have

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his name printed on the ballot, and any candidate for election to an office at a general or special election may challenge the declaration of candidacy or qualifications of any other candidate for election to the same office to seek or hold such office or to have his name printed on the ballot. Except as provided in sections 115.563 to 115.573, challenges shall be made by filing a verified petition with the appropriate court as is provided for in case of a contest of election for such office in sections 115.527 to 115.601. The petition shall set forth the points on which the challenger wishes to challenge the declaration of candidacy or qualifications of the candidate and the facts he will prove in support of such points, and shall pray leave to produce his proof.

2. In the case of challenge to a candidate for nomination in a primary election, the petition shall be filed not later than thirty days after the final date for filing for such election. Except as otherwise provided by law, in the case of challenge to a candidate for election to an office in a general or special election, the petition shall be filed not later than five days after the latest date for certification of a candidate by the officer responsible for issuing such certification. In the case of a disability occurring after said respective deadlines, the petition shall be filed not later than five days after the disability occurs or is discovered. Answers to the petition may be filed at the time and as provided in sections 115.527 to 115.601, specifying the qualifications of the candidate for holding the office for which he is a candidate for election or for nomination.

3. The procedure in such matters shall be the same as that provided in sections 115.527 to 115.601, to the extent that it is applicable and not in conflict with the provisions of this section. For the purposes of this section, as used in sections 115.527 to 115.601 the word "contestant" shall mean the challenger and the word "contestee" shall mean the candidate whose declaration of candidacy or qualifications are challenged. If the court determines that the candidate challenged is not qualified to seek or hold the office for which he is a candidate for nomination or for election or to have his name printed on the ballot, it shall so rule. The right of appeal exists, and may be taken, as provided in sections 115.527 to 115.601.

4. Any candidate finally determined to be not qualified to seek or hold the office for which he is a candidate for nomination or for election shall be disqualified as a candidate for nomination for such office at the primary election or as a candidate for election to such office at the general or special election, as the case may be. Except as otherwise provided by law, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to the election, such candidate's name shall not be printed on the official ballot.

(L. 1982 S.B. 526, A.L. 1993 S.B. 31)

115.527. Challenge of nomination at primary, who may make.—Any candidate for nomination to an office at a primary election may challenge the correctness of the returns for the nomination charging that irregularities occurred in the election.

(L. 1977 H.B. 101 §13.001)

Effective 1-1-78

115.529. Circuit court to hear primary election contests.—Circuit courts shall have jurisdiction to hear and determine all primary election contests.

(L. 1977 H.B. 101 §13.005)

Effective 1-1-78

115.531. Petition to contest primary election, contents of.—Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held and in which any alleged irregularity occurred. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 §13.010)

Effective 1-1-78

(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk.

Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.533. Procedure after petition filed.—1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the officer responsible for issuing the statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred. All officers and election authorities so notified shall immediately suspend all action on the office until the contest has been determined.

3. Not later than four days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest, and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H.B. 101 §13.015)

Effective 1-1-78

115.535. Election contest to have preference in order of hearing.—The contested election shall have preference in the order of hearing to all other cases and shall be commenced at the date set and heard day to day, including evenings and weekends if necessary, until determined. There shall be no continuances except by consent,

so that the case may be concluded not later than the seventh Tuesday prior to the general election.

(L. 1977 H.B. 101 §13.020, A.L. 1993 S.B. 31)

115.537. Hearing on necessity for recount, when.—Not later than five days after the petition is filed, a preliminary hearing shall be held to determine whether there shall be a recount and not to determine what the recount would show. The court shall hear all evidence by the contestant and contestee bearing on the alleged irregularities.

(L. 1977 H.B. 101 §13.025)

Effective 1-1-78

115.539. Circuit court to order recount of votes, when.—If the court finds there is a prima facie showing of irregularities which place the result of the primary election in doubt, the court shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the primary election result is placed in doubt. All materials and records relating to the contested election may be subpoenaed and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.

(L. 1977 H.B. 101 §13.030)

Effective 1-1-78

115.541. Recount, primary election, irregularities in election—how conducted.—

1. Whenever a recount is ordered pursuant to section 115.539, the court shall order all materials and records relating to the contest brought before it, so that the court has the same materials and records as the election judges had while making the count and statements of returns. The court shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in section 115.277 without being registered. No votes of any person found by the court to be unqualified to vote at the primary election shall be counted.

2. Whenever a recount of votes cast on paper ballots is ordered pursuant to section 115.539 or 115.601, the court shall proceed to open and count the votes and, after the count has been completed, shall tabulate by voting district the votes cast for the contestant and the contestee.

3. Whenever a recount of votes cast on any voting machine is ordered pursuant to section 115.539 or 115.601, the court shall make visible the registering counters of the machine and, without unlocking the machine against voting, shall record the votes cast on the machine.

4. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 115.539 or 115.601, the court shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 115.233 and shall cause the votes to be recounted automatically or may order a hand count of the votes. In its discretion, the court may order a new computer program to be made, which shall be tested in the manner provided in section 115.233 before the votes in question are recounted automatically.

(L. 1977 H.B. 101 §13.035, A.L. 1993 S.B. 31)

115.543. Court to appoint persons making recount—persons authorized to be present during recount.—Whenever a recount is ordered pursuant to section 115.539 or 115.601, the court shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount to observe the recount. Each recount shall be completed under the supervision of the court, and the persons appointed to assist with the recount shall perform such duties as the court shall direct. Upon completion of any duties prescribed by the court, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the election authority, representatives of the court, the contestant and contestee, their attorneys, and those specifically appointed by the court to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 115.539.

(L. 1977 H.B. 101 §13.040, A.L. 1993 S.B. 31)

115.545. Court to render judgment, when—effect of judgment.—Upon completion of the procedures provided for in this subchapter, the court shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.

(L. 1977 H.B. 101 §13.045)

Effective 1-1-78

115.547. Contestant to post bond, when.—In each case of a contested primary election, the court may require the contestant to post bond for the costs and expenses of the election contest. The costs and expenses of any election contest, including the cost and expense of a recount, may be adjudged against the unsuccessful party with the payment of the costs and expenses enforceable as in civil cases.

(L. 1977 H.B. 101 §13.050, A.L. 1988 H.B. 933, et al.)

115.549. New primary election may be ordered, when.—If any court trying a contested primary election determines there were irregularities of sufficient magnitude

to cast doubt on the validity of the initial election, it may order a new primary election for the contested office. The order shall set the date of the election, which shall not be less than fourteen or more than thirty days after the order is issued, and shall be sent by the clerk of the court to each election authority responsible for conducting the special election. In its order, the court shall specify the name of each candidate for the office to be voted on at the special election, and the election shall be conducted and the votes counted as in other primary elections. Notice of the election shall be given in such manner as the court directs. The person receiving the highest number of votes at a special party primary election shall be his party's nominee for the contested office. The requisite number of persons receiving the highest number of votes at any other special primary election shall be the nominees for the office.

(L. 1977 H.B. 101 §13.055)

Effective 1-1-78

(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.551. Appeal, how taken.—Either party to the contest may appeal the judgment of the circuit court to the court of appeals of the appropriate jurisdiction, who shall give the case preference in the order of hearing to all other cases, modify its rules to the extent necessary in order to conclude the appeal as many days prior to the general election as possible and hear the case in the manner of appeals of cases in equity. The practice and procedure prescribed in civil actions shall be followed in all respects not inconsistent with the provisions of sections 115.527 to 115.551. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is* pending.

(L. 1977 H.B. 101 §13.060)

Effective 1-1-78

**Word "in" appears in original rolls.*

(1979) There is no doubt the legislature in the comprehensive Election Act intended primary election contests to be fully decided prior to the general election. Edwards v. Kelly (A.), 578 S.W.2d 357.

(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.553. Candidate may challenge returns—registered voter of area may contest result.—1. Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.

2. The result of any election on any question may be contested by one or more registered voters from the area in which the election was held. The petitioning voter or voters shall be considered the contestant and the officer or election authority responsible for issuing the statement setting forth the result of the election shall be considered the contestee. In any such contest, the proponents and opponents of the ballot question shall have the right to engage counsel to represent and act for them in all matters involved in and pertaining to the contest.

(L. 1977 H.B. 101 §13.100)

Effective 1-1-78

115.555. Contest of state office election to be heard by supreme court.—All contested elections for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer and state auditor shall be heard and determined by the supreme court. Likewise, all contests to the results of elections on constitutional

amendments, on state statutes submitted or referred to the voters, and on questions relating to the retention of appellate and circuit judges subject to article V, section 25 of the state constitution shall be heard and determined by the supreme court.

(L. 1977 H.B. 101 §13.105, A.L. 1978 H.B. 1634)

Effective 1-2-79

115.557. Election contest to be filed, when.—Not later than thirty days after the official announcement of the election result by the secretary of state, any person authorized by section 115.553 who wishes to contest the election for any office or on any question provided in section 115.555, shall file a verified petition in the office of the clerk of the supreme court. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The supreme court shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 §13.110)

Effective 1-1-78

115.559. Procedure after filing of petition.—1. Immediately after a petition is filed, the clerk of the supreme court shall issue a summons upon the petition to the contestee, returnable by the day designated by the supreme court to the supreme court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the supreme court.

2. Immediately after the petition is filed, the clerk of the supreme court shall send by certified or registered mail a certified copy of the petition to the secretary of state and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H.B. 101 §13.115)

Effective 1-1-78

115.561. Commissioner to take testimony, appointed, when—powers of commissioner.—1. Immediately upon the filing of a petition and answer, if there is any, the supreme court shall appoint a commissioner of the court to take the testimony of witnesses at such times and places as the court shall order. The order shall specify the points and facts in regard to which testimony is to be taken and the time when the commissioner shall make his report to the court.

2. Upon appointment by the court, the commissioner shall proceed to procure the attendance of witnesses, and to take and certify testimony as directed. The contestant and contestee shall have the right to attend the examination of all witnesses and

to cross-examine, but no testimony shall be taken except on the points and facts specified in the court order. The commissioner shall have authority to administer oaths, take depositions, compel the attendance of witnesses by summons and attachment, require such witnesses to testify and to compel discovery in accordance with the rules of discovery in civil cases.

(L. 1977 H.B. 101 §13.120)

Effective 1-1-78

115.563. Contests for office of senator or representative to be heard by respective body.—1. All contested elections for the office of state senator shall be heard and determined by the state senate. All contested elections for the office of state representative shall be heard and determined by the state house of representatives.

2. Any contest based on the qualifications of a candidate for the office of state senator or state representative which have not been adjudicated prior to the general election shall be determined by the state senate or the state house of representatives, as the case may be.

(L. 1977 H.B. 101 §13.201, A.L. 1982 S.B. 526)

Effective 5-20-82

115.565. Contests for house or senate seats, where and how filed.—Not later than thirty days after the official announcement of the election result is issued by the secretary of state, any candidate who wishes to contest the election for an office provided in section 115.563 shall file a verified petition with the president of the senate or the speaker of the house, as the case may be. In the case of contests based on the qualifications of a candidate for an office provided in section 115.563, not later than thirty days after the results of the general election have been certified by the secretary of state, any candidate who wishes to contest the qualifications of another candidate shall file a verified petition with the president of the senate or the speaker of the house, as the case may be. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points. The state senate or the state house of representatives, as the case may be, shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders, under the hand of the president of the senate or the speaker of the house, to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 §13.205, A.L. 1982 S.B. 526)

Effective 5-20-82

115.567. Contestee, service on, how made—notice to secretary of state—time for filing answer.—1. At the time of filing, the contestee shall be served with a copy of the petition by the contestant or his representative. With the copy of the petition shall be included a written notice of the time and place of the petition's filing, the grounds on which the election is contested, the time and place for the taking of depositions and the names of all witnesses to be examined. If the contestee is not found within two days after the petition is filed, the copy of the petition and notice shall be left at the residence address shown on contestee's declaration of candidacy and by posting the petition in a conspicuous place in the office of the secretary of the senate or the chief clerk of the house, as the case may be.

2. At the time of filing, a copy of the petition and notice shall also be transmitted to the secretary of state and each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his election should not be contested. At the time of filing, a copy of the answer shall be transmitted to the contestant. If the contestee wishes to contest the validity of any votes given to the contestant, he shall include in his answer a notice of the time and place for the taking of depositions, the grounds on which the votes will be contested, and the names of all witnesses to be examined.

(L. 1977 H.B. 101 §13.210)

Effective 1-1-78

115.569. Depositions, when taken—civil discovery rules to apply.—Immediately upon the filing of a petition and answer, the taking of depositions may commence at the option of the contestant, and the persons selected by the contestant and contestee to take depositions shall immediately issue subpoenas to the witnesses, commanding them to appear and give testimony at the time and place specified. The taking of depositions and all related matters shall be subject to the rules of discovery in civil cases. Either the contestant or the contestee may, without notice, take rebutting testimony at the time and place specified for the taking of depositions.

(L. 1977 H.B. 101 §13.215, A.L. 1982 S.B. 526)

Effective 5-20-82

115.571. Evidence to be received, form, contents.—1. Evidence received by the senate or house may be either by depositions taken pursuant to section 115.569 or by witnesses subpoenaed for personal appearance before the senate or house.

2. No testimony shall be received in the taking of depositions which does not relate to the points specified in the notices.

3. All testimony taken shall be certified by the persons appointed to take the depositions to the president of the senate or to the speaker of the house, as the case may be.

(L. 1977 H.B. 101 §13.220, A.L. 1982 S.B. 526)

Effective 5-20-82

115.573. No appeal from decision of house or senate.—The determination made by the state senate or the state house of representatives on a contested election shall be final and not subject to court review.

(L. 1977 H.B. 101 §13.225)

Effective 1-1-78

115.575. Contests for office of circuit judge, where heard—other contests, where heard.—1. All contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution shall be heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred.

(L. 1977 H.B. 101 §13.301, A.L. 1978 H.B. 1634)

Effective 1-2-79

115.577. Time in which election contest may be filed.—Not later than thirty days after the official announcement of the election result by the election authority, any

person authorized by section 115.553 who wishes to contest the election for any office or on any question provided in section 115.575 shall file a verified petition in the office of the clerk of the appropriate circuit court. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

(L. 1977 H. B. 101 §13.305)

Effective 1-1-78

115.579. Duty of circuit clerk upon filing of petition—answer, when due.—

1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the election authority responsible for issuing a statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H. B. 101 §13.310)

Effective 1-1-78

115.581. Case to be tried, when.—Immediately upon the filing of a petition and answer, if there is any, the court shall proceed to try the case and may at once appoint a commissioner to take testimony in the same way and manner as provided for the contest of state offices in section 115.561.

(L. 1977 H. B. 101 §13.315)

Effective 1-1-78

115.583. Recount of votes ordered, when.—If the court or legislative body hearing a contest finds there is a prima facie showing of irregularities which place the result of any contested election in doubt, the court or legislative body shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court or legislative body may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the election result is placed in doubt. All materials and records relating to the contested election may

be subpoenaed, and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.

(L. 1977 H.B. 101 §13.400)

Effective 1-1-78

115.585. Recounts, how conducted.—1. Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body trying the contest shall issue a writ to each election authority responsible for conducting the election in any area in which an alleged irregularity occurred, commanding the election authority to prepare its office and all records and materials relating to the contested election for the recount. Such writ shall be served immediately on the election authority by the sheriff of the county. Upon receipt of a writ, each election authority shall set a day, not more than twenty days after receiving the writ, on which it will have its office and all records and materials relating to the contested election prepared. Immediately upon setting the day, the election authority shall send by certified or registered mail a notice to the court or legislative body issuing the writ. The notice shall set forth the day selected by the election authority for the recount.

2. Whenever a recount is ordered pursuant to section 115.583, the court or legislative body shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in subsection 2 of section 115.137 and section 115.277 without being registered. No votes of any person found by the court to be unqualified to vote at the election shall be counted.

3. Whenever a recount of votes cast on paper ballots is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall proceed to open and count the votes and, after the count has been completed, shall tabulate by voting district the votes cast for the contestant and the contestee.

4. Whenever a recount of votes cast on any voting machine is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall make visible the registering counters of the machine and, without unlocking the machine against voting, shall record the votes cast on the machine.

5. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 115.233 and shall cause the votes to be recounted automatically, or may order a hand count of the votes. In its discretion, the court or legislative body may order a new computer program to be made, which shall be tested in the manner provided in section 115.233 before the votes in question are recounted automatically.

(L. 1977 H.B. 101 §13.410, A.L. 1993 S.B. 31)

115.587. Persons conducting recount, how selected.—Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court or legislative body by the

contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court or legislative report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the court or legislative body, and the persons appointed to assist with the recount shall perform such duties as the court or legislative body shall direct. Upon completion of any duties prescribed by the court or legislative body, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court or legislative body. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be heard as a witness to contradict the findings. No one other than the election authority, representatives of the court or legislative body, the contestant and contestee, their attorneys, and those specifically appointed by the court or legislative body to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 115.583 or 115.601.

(L. 1977 H.B. 101 §13.415)

Effective 1-1-78

115.589. Records to be corrected to reflect judgment.—Each court or legislative body authorized to determine contested elections shall hear and determine each contest at the earliest opportunity after the official announcement of the results of the election has been made. Upon completion of the procedures provided for in this subchapter, the court or legislative body shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.

(L. 1977 H.B. 101 §13.420)

Effective 1-1-78

115.591. Contestant to post bond, when.—In each case of a contested election, the court or legislative body may require the contestant to post bond for the costs and expenses of the election contest. The costs and expenses of any election contest, including the cost and expense of a recount, may be adjudged against the unsuccessful party with payment of the costs and expenses enforceable as in civil cases.

(L. 1977 H.B. 101 §13.425, A.L. 1988 H.B. 933, et al.)

115.593. New election ordered, when.—If the court or legislative body trying a contested election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new election for the contested office or on the contested question. The order shall set the date of the election and shall be sent by the clerk of the court or the secretary of the senate or the chief clerk of the house of representatives, as the case may be, to each election authority responsible for conducting the special election. In its order, the court or legislative body shall specify the name of each candidate for the office to be voted on at the special election, or the ballot title of the question to be voted on at the

special election, and the election shall be conducted and the votes counted as in other elections. Notice of the election shall be given in such manner as the court or legislative body directs. The person receiving the highest number of votes at the special election shall be deemed elected and entitled to assume office, or the question submitted at the special election shall be deemed approved if a majority of the votes at the special election are cast in favor of the question.

(L. 1977 H.B. 101 §13.430)

Effective 1-1-78

(1989) *Because voting by unqualified voters is an irregularity examined by the court in conducting a recount, it follows that such an irregularity may be considered in determining whether a new election should be ordered. When a number of voters are found to be disqualified and that number equals or exceeds the margin of the apparent victor, there are "irregularities of sufficient magnitude to cast doubt on the validity of the initial election." (Mo. banc)*

Marre v. Reed, 775 S.W.2d 951.

115.595. Person holding certificate of election to hold office pending outcome—question shall be deemed decided as shown by returns pending outcome.—1. In each case of a pending election contest for an office, the person holding the certificate of election may qualify and take the office at the time specified by law and exercise the duties of the office until the contest has been decided. If the contest is decided against the contestee, the court or legislative body trying the contest shall make an order for him to give up the office to the person determined to be entitled to the office and to deliver to such person all books, records, papers, property and effects pertaining to the office. The court or legislative body trying the contest may enforce the order by attachment or other proper process. If for any reason the person determined to be entitled to the office does not or cannot take office, a vacancy shall exist to be filled in the manner provided by law.

2. In each case of a pending election contest on a question, the question shall be deemed approved or disapproved as shown by the official returns of the election until the contest is decided. When the contest is decided, the question shall be deemed approved or disapproved in accordance with the decision as of the day the contest is decided, or as of the day it would otherwise have been deemed approved or disapproved, whichever is later.

(L. 1977 H.B. 101 §13.435)

Effective 1-1-78

115.597. Appeal from circuit court decisions allowed, procedure for.—In all cases of contested elections, except contested elections heard by the supreme court or the state senate or house of representatives, the right of appeal shall exist, and appeals may be taken in the same time or manner and to the same courts as is provided by law for appeals in cases in equity. The practice and procedure prescribed in civil actions shall be followed in all respects not inconsistent with the provisions of sections 115.553 to 115.583. Upon the filing of any such appeal, the court shall give the case preference in the order of hearing to all other cases and modify its rules to the extent necessary to conclude the appeal as quickly as possible. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is pending.

(L. 1977 H.B. 101 §13.440)

Effective 1-1-78

115.599. Parties may subpoena witnesses and take depositions.—In all cases of contested elections, primary and other, the contestant and the contestee shall be allowed

process for witnesses, and either party may take depositions, as in civil cases, to be read as evidence at the trial, as is authorized in civil cases. All such depositions shall be filed before the trial is commenced, and may be read in evidence no matter where the witnesses reside.

(L. 1977 H.B. 101 §13.445)

Effective 1-1-78

115.600. Recount, procedure—petition by election authority.—The election authority, if convinced that errors of omission or commission have occurred on the part of the election authority, election judges, or any election personnel in the conduct of an election, may petition the circuit court for a recount in the same manner as any candidate for office or voter in an issue election may petition for a recount.

(L. 1983 S.B. 234)

(1990) Remedies available to the Board are limited to filing a petition for a recount. Circuit court was without jurisdiction to order a new election. (Mo.banc) Board of Elections Commissioners of St. Louis County v. Knipp, 784 S.W.2d 797.

115.601. Recount authorized when less than one percent difference in vote.—

1. Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for an office in any jurisdiction and any contestant who received the second highest number of votes cast for that office if two or more are to be elected and who was defeated by less than one percent of the votes cast, or any person whose position on a question was defeated by less than one percent of the votes cast on the question in any jurisdiction, shall have the right to a recount of the votes cast for the office or on the question in the jurisdiction.

2. In cases where the candidate filed or the ballot question was originally filed with an election authority as defined in section 115.015, such recount shall be conducted under the direction of the court or the commissioner representing the court trying the contest according to the provisions of this subchapter.

3. In cases where the candidate filed or the ballot question was originally filed with the secretary of state, the defeated candidate or the person whose position on a question was defeated by less than one percent of the votes cast on the question shall be allowed a recount under this section by filing with the secretary of state a request for a recount stating that he or his position on a question was defeated by less than one percent of the votes cast. Such request shall be filed not later than seven days after certification of the election. The secretary of state shall notify all concerned parties of the filing of the request for a recount. The secretary of state shall authorize the election authorities to conduct a recount under this section if the requesting party or his position on a question was defeated by less than one percent of the votes cast. The secretary of state shall conduct and certify the results of the recount as the official results in the election within twenty days of receipt of the aforementioned notice of recount.

4. Whenever a recount is ordered pursuant to subsection 2 of this section, the secretary of state shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted by the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts

uncovered by the recount, except those which are contained in the report, the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the secretary of state with the assistance of the election authorities involved, and the persons appointed to assist with the recount shall perform such duties as the secretary of state directs. Upon completion of any duties prescribed by the secretary of state the persons appointed to assist with the recount shall make a written and signed report of their findings. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the secretary of state, the election authorities involved, the contestant and the other witnesses described in this subsection, their attorneys, and those specifically appointed by the secretary of state to assist with the recount shall be present during any recount ordered pursuant to this section.

(L. 1977 H.B. 101 §13.450, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31)

POLITICAL PARTY COMMITTEES

115.603. Committees each established party shall maintain.—Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of article V, section 25 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state.

(L. 1977 H.B. 101 §14.001, A.L. 1978 H.B. 1634)

Effective 1-2-79

115.605. Purpose of committee.—Each party committee shall be selected as provided in this subchapter for the purpose of representing and acting for the party in the interim between party conventions.

(L. 1977 H.B. 101 §14.005)

Effective 1-1-78

115.607. County committee, selection of.—1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before his election, both a registered voter of and a resident of the county and the committee district from which he is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly

equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Four members of the committee, two men and two women, shall be elected from each other township outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county of the first class with a charter form of government, for the portion of the city located within such county and notwithstanding the provisions of section 82.110, RSMo, it shall be the duty of the election authority to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census. Changes of ward or precinct lines shall not affect the terms of office of incumbent party committeemen or committeewomen elected from districts as constituted at the time of their election.

4. In each county of the first class containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: After each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all first class counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township.

(L. 1977 H.B. 101 §14.010, A.L. 1978 H.B. 1820, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31)

115.609. County committee members, when elected (St. Louis city and county).— In each city not situated in a county and in each county which has over nine hundred thousand inhabitants, all members of the county committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified.

*(L. 1977 H.B. 101 §14.015)
Effective 1-1-78*

115.611. County committee members, filing fees.—1. Any registered voter of the county may have his or her name printed on the primary ballot of his or her party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing his declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of his party's county committee, or submit to the county election authority to be forwarded to the treasurer of his party's committee, a certain sum of money, as follows:

(1) One hundred dollars if he is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if he is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom he files his declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

(L. 1977 H.B. 101 §14.020, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234)

115.613. Committeeman and committeewoman, how selected—tie vote, effect of— if no person elected a vacancy created.—1. The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

(L. 1977 H.B. 101 §14.025)

Effective 1-1-78

115.615. County committee to meet and organize, when.—After each primary election, each county committee shall meet at the county seat on the third Tuesday of August immediately following the primary. In each city not situated in a county, the city committee shall meet on the same day at such place within the city as the chairman of the current city committee may designate. At the meeting, each committee shall organize by electing one of its members as chairman and one of its members as vice chairman, a man and a woman, and a secretary and a treasurer, a man and a woman, who may or may not be members of the committee. The county chairman and vice chairman so elected shall by virtue thereof become members of the party

congressional, senatorial and judicial committees of the district of which their county is a part.

(L. 1977 H.B. 101 §14.030)

Effective 1-1-78

115.617. Vacancy, how filled.—Whenever a member of any county committee dies, becomes disabled, resigns, or ceases to be a registered voter of or a resident of the county or the committee district from which he is elected, a vacancy shall exist on the committee. A majority of the committee shall elect another person to fill the vacancy who, for one year next before his election, shall have been both a registered voter of and a resident of the county and the committee district. The person selected to fill the vacancy shall serve the remainder of the vacated term.

(L. 1977 H.B. 101 §14.035, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1987 H.B. 384 Revision)

Effective 6-15-87

115.619. Composition of legislative, senatorial, congressional and judicial district committees.—1. The membership of a legislative district committee shall consist of all county committee members elected at polling places within the legislative district, except as provided in subsections 4 and 5 of this section. In all counties of this state which are wholly contained within a legislative district, or in which there are two or more whole legislative districts, or one whole legislative district and part of another legislative district, or parts of two or more legislative districts, there shall be elected from the membership of each legislative district committee a chairman and a vice chairman, one of whom shall be a woman and one of whom shall be a man, and each legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but who may or may not be members of the legislative district committee. Party state committees may provide for voting by proxy and for weighted or fractional voting.

2. If a legislative district and a county are coextensive, the chairman, vice chairman, secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of the legislative committee.

3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or judicial district committee shall consist of the chairman and vice chairman of each of the legislative districts in the congressional, senatorial, or judicial districts and the chairman and vice chairman of each of the county committees within the districts. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

4. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

5. The congressional, senatorial or judicial district committee of a district which is composed in whole or in part of a part of a city or part of a county shall consist of the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

(L. 1977 H.B. 101 §14.040, A.L. 1988 H.B. 933, et al., A.L. 1990 S.B. 862)

115.621. Congressional, legislative, senatorial and judicial district committees to meet and organize, when—election of party state committee.—1. The members of each congressional district committee shall meet at some point within the district,

to be designated by the current chairman of the committee, on the last Tuesday in August after each primary election. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice chairman, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and* one of whom shall be a man, who may or may not be members of the committee.

2. The members of each legislative district committee shall meet at some point within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chairman of the committee, on the Wednesday after the third Tuesday in August after each primary election. At the meeting, the committee shall organize pursuant to subsection 1 of section 115.619.

3. The members of each senatorial district committee shall meet at some point within the district, to be designated by the current chairman of the committee, if there be one, and if not by the chairman of the congressional district in which the senatorial district is principally located, on the third Saturday in August after each primary election. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice chairman, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee. Having so organized, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party state committee.

4. The members of each judicial district may meet at some point within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chairman of the committee or the chairman of the congressional district committee, on the first Tuesday in September after each primary election, or at another time designated by the chairmen of the committees. At the meeting, the committee shall organize pursuant to subsection 1 of section 115.619.

(L. 1977 H.B. 101 §14.041, A.L. 1988 H.B. 933, et al.)

**Word "and" does not appear in original rolls.*

115.623. State committee to meet and organize, when.—The members of the state committee elected as provided in section 115.621 shall meet at noon on the second Saturday in September at some point in the city of Jefferson to be designated by the current state committee chairman. At the meeting, the committee shall organize by electing a chairman and a vice chairman, one of whom shall be a woman, and a secretary and a treasurer, one of whom shall be a woman, who may or may not be members of the committee. Nothing in this section shall prevent the selection of an honorary chairman who may act in the absence of the chairman. Having organized, the state committee shall meet with the party nominees for federal offices, statewide offices, state senator and state representative, and shall formulate and make public a state platform for the party.

(L. 1977 H.B. 101 §14.045, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al.)

115.625. Convention of delegates of established party authorized.—The state committee of any established political party may, except as otherwise provided by law, call a convention of delegates to be apportioned, chosen or elected in such manner as it may prescribe for the purpose of nominating presidential electors, electing delegates to national conventions, electing members of national committees adopting or making

declarations of party principles on national questions, and to do and perform any other act not inconsistent with the law.

(L. 1977 H.B. 101 §14.050. A.L. 1986 H.B. 879)

115.627. Constitution or bylaws of political committees authorized—how changed.—A party committee may adopt a constitution or bylaws or both. Such constitution or bylaws may have any provisions not in conflict with the laws of this state. Changes to such party rules may require no greater than a two-thirds vote of the total membership of a committee. Within a sixty-day period after the required committee organizational meeting following each primary election, any such constitution or bylaws may be changed or amended by a majority vote of the total membership of the committee.

(L. 1977 H.B. 101 §14.055)

Effective 1-1-78

ELECTION OFFENSES

115.629. Four classes of election offenses.—There shall be four classes of election offenses consisting of all offenses arising under sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo,* and such other offenses as are specified by law.

(L. 1977 H.B. 101 §15.001)

Effective 1-1-78

**Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of "this act".*

115.631. Class one election offenses.—The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made under any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties;

(2) Voting more than once or voting at any election knowing that he is not entitled to vote or that he has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing he is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing he is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return he knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person he knows is not entitled to receive the certificate, or declaring any election result he knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing he is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing he is not legally entitled to register, or aiding, abetting or advising another person to register knowing he is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as he directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when he knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting.

(L. 1977 H.B. 101 §15.005, A.L. 1983 S.B. 234)

115.633. Class two election offenses.—The following offenses, and any others specifically so described by law, shall be class two election offenses and are deemed felonies not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) On the day of election or before the counting of votes is completed, willfully concealing, breaking, or destroying any ballot box used or intended to be used at such election or willfully or fraudulently concealing or removing any ballot box from the custody of the election judges;

(2) Willfully tampering with, disarranging, defacing, materially altering, impairing, or destroying any voting machine or automatic tabulating equipment owned or leased by or loaned to an election authority.

(L. 1977 H.B. 101 §15.010)

Effective 1-1-78

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

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

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

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

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

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

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

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

(8) Assisting a person to vote knowing he is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against or refrain from voting on any question, ticket or candidate;

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

(10) On the part of any election official, challenger, watcher or person assisting a person to vote, revealing or disclosing any information as to how any voter may have voted, indicated that he had voted, indicated an intent to vote or offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election offense;

(11) On the part of any registration or election official, refusing to permit any person to register to vote or to vote when he knows the person is legally entitled to register or legally entitled to vote;

(12) Attempting to commit or participating in an attempt to commit any class one or class two election offense.

(L. 1977 H.B. 101 §15.015)

Effective 1-1-78

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

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

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

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

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

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

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination

to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

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

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

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

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

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

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

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

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

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

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

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

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person.

(L. 1977 H.B. 101 §15.020, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620)

115.639. Three hours off work to vote—interference by employer a class four offense.—1. Any person entitled to vote at any election held within this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of three hours between the time of opening and the time of closing the polls for the purpose of voting, and any such absence for such purpose shall not be reason for the discharge of or the threat to discharge any such person from such services or employment; and such employee, if he votes, shall not, because of so absenting himself, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his usual salary or wages; provided, however, that request shall be made for such leave of absence prior to the day of election, and provided further, that this section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which he is not in the service of his employer. The employer may specify any three hours between the time of opening and the time of closing the polls during which such employee may absent himself.

2. Any employer violating this section shall be deemed guilty of a class four election offense.

(L. 1977 H.B. 101 §15.025)

Effective 1-1-78

115.641. Failure to perform a duty under sections 115.001 to 115.641 and sections 51.450 and 51.460 a class four offense—exceptions.—Any duty or requirement imposed by sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo,* which is not fulfilled and for which no other or different punishment is prescribed shall constitute a class four election offense.

(L. 1977 H.B. 101 §15.030)

Effective 1-1-78

**Sections 51.450 and 51.460 were added late in passage and were probably not intended to be considered as part of "this act".*

115.646. Public funds expenditure by political subdivision officers or employee, prohibited—personal appearances permitted.—No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

(L. 1988 H.B. 933, et al. §1)

115.647. Nonincumbent candidate prohibited from causing voters to believe he is incumbent of the office—seizure of recordings or materials authorized.—It shall be unlawful for any nonincumbent candidate for public office to publish, circulate, or distribute any printed matter or to disseminate any information on television or radio or by way of any visual or audible recording that would lead voters to believe that the candidate is an incumbent of the office sought. As used in this section, the term "printed material" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, or other imprinted or lettered material. The election authority of competent jurisdiction shall seize any printed material or visual or audio recording determined to violate this section.

(L. 1988 H.B. 933, et al. §2)

MAIL-IN BALLOTS, CERTAIN ELECTIONS

115.650. Citation of sections 115.650 to 115.660—applicable definitions.— Sections 115.650 to 115.660 shall be known and may be cited as “The Mail Ballot Election Act”. All terms used in sections 115.650 to 115.660 shall have the same meaning given such terms in section 115.013.

(L. 1988 H.B. 1426 §1)

115.652. Mail-in voting may be conducted, when, limitations.—An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan; and

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

(L. 1988 H.B. 1426 §2, A.L. 1993 H.B. 551 & 552 and S.B. 31)

115.655. Delivery of official ballots, how—voting procedures—form of return identification envelope—replacement ballots, when—return of—counting of ballots.—

1. The election authority shall provide for the delivery of official ballots to each qualified voter:

(1) By first class mail to the mailing address of each voter as it appears on the registration records of the election authority on the deadline specified in subsection 1 of section 115.135 for registration. Each ballot so mailed shall be placed by the election authority in an envelope which is prominently marked “Do Not Forward” and mailed not later than the tenth day prior to the election; or

(2) By delivering the ballot to the residential address of the voter as it appears on the registration records of the election authority on the deadline specified in subsection 1 of section 115.135 for registration. Such delivery shall be made by a bi-partisan team appointed by the election authority from lists submitted under the provisions of section 115.087.

Voters shall also be provided with a return identification envelope, a secrecy envelope, and instructions sufficient to describe the voting process.

2. Upon receipt of the ballot, the voter shall mark it, place and seal the marked ballot in the secrecy envelope supplied with the ballot, place and seal the sealed secrecy envelope containing the marked ballot in the return identification envelope supplied with the ballot which has been signed by the voter and then return the marked ballot to the election authority by either:

(1) United States mail; or

(2) Personally delivering the ballot to the office of the election authority.

3. The election authority may provide additional sites for return delivery of ballots. The election authority may provide for the payment of postage on the return of ballots.

4. The return identification envelope shall be in substantially the following form:

PLEASE PRINT:

NAME

I declare under penalty of perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have voted the enclosed ballot and am returning it in compliance with sections 115.650 to 115.660, RSMo, and have not and will not vote more than one ballot in this election.

I also understand that failure to complete the information below will invalidate my ballot.

.....
Signature

.....
Residence Address

.....
Mailing Address (if different)

5. If the ballot is destroyed, spoiled, lost or not received by the voter, the voter may obtain a replacement ballot from the election authority as provided in this subsection. A voter seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the election authority that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the election authority before noon on the date of the election. The applicant may mail the statement to the election authority; but, no election authority shall transmit a ballot by mail under this subsection unless the application is received prior to the close of business on the fifth day prior to the election. When an application is timely received under this subsection, the election authority shall deliver the ballot to the voter if the voter is present in the office of the election authority, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The election authority shall keep a record of each replacement ballot provided under this subsection.

6. A ballot must be returned by mail or received in the office of the election authority or at a site provided for receipt of ballots by the election authority no later than 7:00 p.m. on election day. The election authority shall transmit all return identification envelopes to a team or teams of judges of not less than four, with an equal number from each major political party. The judges shall be selected by the election authority from lists submitted under the provisions of section 115.087, and subscribe to the oath provided in section 115.091. Upon receipt of such envelopes the judges shall verify the signature of each voter on the return identification envelope with the signature of the voter on the voter registration records. Such verification may commence at time prior to the day of the election. The election authority shall adopt procedures for securing and accounting for all verified return identification envelopes. The secrecy envelope shall not be separated from the return identification envelope before ballots are counted. Ballots may be counted at any time on election day provided the results are not released before 7:00 p.m. on that day. Counting of ballots may be done by hand or through the utilization of automatic tabulating equipment and shall be governed by the applicable sections of this chapter.

(L. 1988 H.B. 1426 §3)

115.658. Absentee voting, allowed, how—contest of election, procedure.—1. Any registered voter of this state may vote by absentee ballot in an election conducted pursuant to sections 115.650 to 115.660 in accordance with the provisions of this chapter concerning absentee voting.

2. Any registered voter of the subdivision wherein a mail-in election pursuant to sections 115.650 to 115.660 is conducted may contest the results of such an election

in the same manner as provided in this chapter.

(L. 1988 H.B. 1426 §4)

115.660. Secretary of state may promulgate rules.—1. The secretary of state may adopt rules and regulations governing the procedures and forms necessary to implement sections 115.650 to 115.660.

2. Any agency promulgating any rule or amendment of a rule or final order of rulemaking under the authority of sections 115.650 to 115.660 shall file such notice of proposed rulemaking or proposed final order of rulemaking with the committee on administrative rules. Upon filing any notice of proposed rulemaking with the secretary of state, the agency shall concurrently submit a copy of such proposed rulemaking with the committee. The agency shall not file any final order of rulemaking with the secretary of state until twenty days after such final order of rulemaking has been received by the committee. The committee may hold hearings upon any proposed rule, portion of a proposed rule, or final order of rulemaking at any time. In the event the committee disapproves any proposed rule or portion of a proposed rule, the committee shall notify the agency promulgating the rule and the secretary of state, and the secretary of state shall publish in the Missouri Register, as soon as practicable, a notice that such rule or portion thereof has been disapproved. If the committee does not disapprove any proposed order of rulemaking within the twenty-day period after the proposed order is filed with the committee, the agency may file such order of rulemaking with the secretary of state, subject to subsequent suspension by the committee.

3. Any rule or portion of a rule promulgated under the authority of sections 115.650 to 115.660 may be suspended by the committee at any time after a hearing conducted thereon. If any rule is suspended by the committee, the secretary of state shall publish in the Missouri Register, as soon as practicable, an order withdrawing the rule.

4. Any person seeking judicial review of any such rule shall be deemed to have exhausted all administrative review procedures. Notwithstanding the provisions of section 1.140, RSMo, the grant of rulemaking authority is nonseverable and essentially dependent on the review power vested with the committee. If the review power of the committee on administrative rules is held unconstitutional or invalid with respect to any grant of rulemaking provided by law, the provisions of this act* and any rule promulgated under such rulemaking authority shall also be invalid or void.

(L. 1988 H.B. 1426 §§ 5, A, A.L. 1993 H.B. 551 & 552 and S.B. 31)

**"This act" (S.B. 31, 1993) contains numerous sections. Consult Disposition of Sections Table for definitive listing.*

LOCAL ISSUES—PETITIONS

115.700. Local issues, petition, form and procedure, when.—When the form of a petition is not provided by law for local issues, the provisions of section 115.019 shall, as far as possible, govern the form of the petition, but not the date of the election.

(L. 1986 H.B. 1471, et al. §1)

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