

Missouri Local Government Handbook Series

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1978

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**MISSOURI  
ELECTION PROCEDURE  
HANDBOOK:  
A LAYMAN'S GUIDE**

**To the  
Comprehensive Election  
Act of 1977**

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Compiled by  
Robert F. Karsch  
and  
Roy D. Blunt

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**UNIVERSITY OF MISSOURI-COLUMBIA  
Governmental Affairs Program  
Department of Political Science  
College of Arts and Science**

**In Cooperation with the UMC University Extension Division**

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# **MISSOURI ELECTION PROCEDURE HANDBOOK:**

**A LAYMAN'S GUIDE**

**to the Comprehensive Election Act of 1977**

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## PREFACE

This handbook has been designed for the primary purpose of assisting the thousands of election workers who make elections in Missouri possible. When individuals agree to perform the duties of an election worker, they are accepting one of the most responsible tasks that a citizen can perform.

No matter how well Missouri's full-time election authorities understand election laws and procedures, the ability of the individual voter to cast his ballot properly hinges on the ability of the election workers to insure that the proper procedures and safeguards are provided at the voter's polling place.

The compilers of this text are not lawyers and this publication is not intended to constitute or to offer legal advice to anyone. Primarily, it is a practical rearrangement and simplification of those provisions of the statutes most likely to be of interest to election judges (almost all of whom are non-lawyers) as they prepare for and discharge their duties on election day.

The general arrangement is chronological, conforming to normal election day procedure. After each item, the appropriate statutory citation is given so the reader can go directly to the statute itself if necessary.

The recodification of Missouri's election laws, which became effective January 1, 1978, has been extremely beneficial in eliminating numerous conflicting statutes and procedures that applied to specific elections and replacing them with a new consistent compilation applying to all elections held in Missouri (township, municipal, school, general, etc.). It is our hope, that this handbook will serve as an appropriate and helpful tool in administering the new election code.

The county clerks and boards of election commissioners, serving as the local election authorities in Missouri, are the normal source for further clarification and information concerning elections.

While the primary motivation for compiling this handbook was its use by election judges, it has been compiled with the idea that all citizens have reason to be interested in the process of casting their votes, and may benefit from the information provided here.

If, in the course of using this handbook, any individual sees ways in which it might be made more helpful, either by including more items or by expanding or improving some of the existing items, such suggestions are welcome, and should be addressed to either of the compilers.

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## **PART 1**

### **BEFORE THE POLLS ARE OPENED**

#### **1. Election authority**

In this book, and in Missouri election law, the term “election authority” means the county clerk, except in a city or county having a board of election commissioners. In those areas, the board of election commissioners is the election authority. [115.015]

#### **2. Selection of election judges**

Election judges shall be appointed by the election authority, with at least four election judges being appointed for each polling place. One-half of the judges at each polling place shall be members of the other political party. One judge from each party will be designated a supervisory judge by the election authority, and the actual responsibility for conducting the election at an individual polling place lies with these two supervisory judges, who are to carry out the instructions of the election authority. [115.079, 115.081]

#### **3. Selection of substitute judges if necessary**

If any judge does not appear at the polling place, or refuses to carry out the responsibilities of an election judge, the election authority should be notified immediately. The election authority, or the election judges present at the polling place, shall appoint another judge from the same political party as the judge failing to act or appear. If the judges decide to qualify a temporary judge, he shall act with full authority, but may be replaced at any time with another qualified judge chosen by the election authority. [115.095]

#### **4. Attendance at the polls**

No election judge can be absent from the polls more than one hour during the time the polls are open, with no more than one judge from the same political party being absent at the same time. No judge shall be absent from the polls before 9:00 a.m. or after 5:00 p.m. on election day. All judges must remain at the polls until final preparations have been made to return the election supplies to the place designated by the election authority. [115.097]

## **5. Oath to be taken by election judges**

The following oath shall be taken by the election judges before undertaking their duties:

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 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.  
[115.091]

The oath may be administered by the election authority before the polls open, or may be administered by one of the supervisory judges, who in turn may be sworn in by the other supervisory judge.

## **6. Assignment of specific duties and removal of judges**

The duties of each of the judges are generally assigned by the supervisory judges; however, the election authority, which is required to see that the laws are complied with, may direct any judge as to that judge's duty. [115.099]

The election authority may, at any time, remove any judge for good cause, and replace that judge with a qualified person from the same political party. [115.099]

## **7. Election supplies**

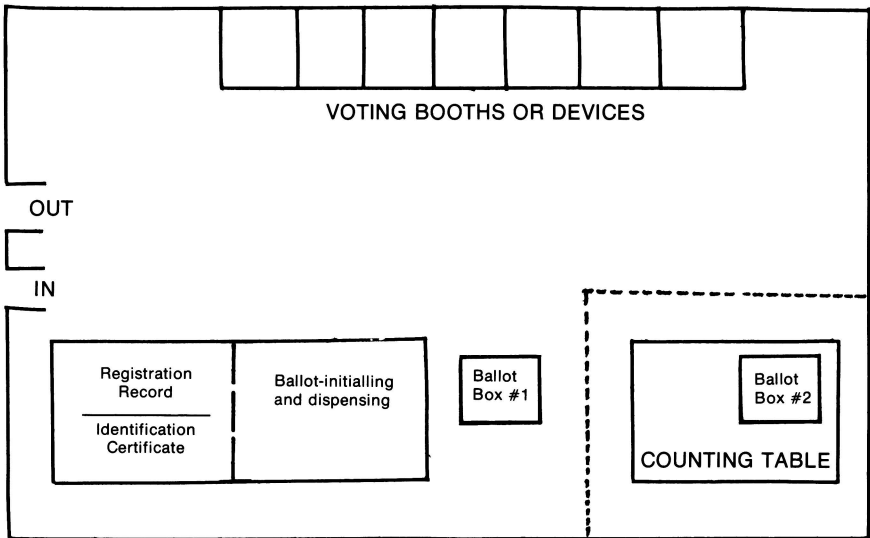
Before the polls are open, the election authority shall deliver to the polling place, or make arrangements for their delivery, the following items necessary for the conduct of the election: [115.415]

- (a) Ballots
- (b) Ballot boxes
- (c) Precinct registration cards
- (d) Voting booths
- (e) Voter instruction cards
- (f) Sample ballots
- (g) Other election supplies

## **8. Duties in preparing the voting place**

- (a) Arrange the equipment and supplies with the following objectives in mind: (1) convenience of the voter in voting; (2) secrecy of voting; (3) convenience of the counting officials; (4) secrecy of the count; and (5) general efficient administration of the election. [115.421]
- (b) Post a voter instruction card in each voting booth, or device, and in at least one other conspicuous place within the polling place. [115.421]
- (c) Post a sample ballot in a conspicuous place. [115.421]
- (d) Certify the number of ballots received. This verification should be accomplished by counting the actual number of ballots, and making a record of that number. This record could be extremely





important if the judges are ever questioned concerning the number of ballots cast. Also, it can serve as a protection for the judges in matters relating to the ballots, and to the counting of ballots. [115.421]

- (e) Compare the ballots received with the sample ballots. If there appears to be any inconsistency, or if the judges feel that the ballot information provided for their polling place is incorrect, immediately notify the election authority, and proceed only as directed by the election authority. [115.421]
- (f) The judges should also compare the tally books, if tally books are to be used with the ballots, and sign either the tally book or other forms provided to insure that all the judges have properly taken the oath, and have gone on record as subscribing to the oath of office. [115.421]

## 9. Challengers and watchers

The political parties named on the ballot are each entitled to have a challenger for each polling place at partisan elections. The chairman of the county committee has the right to designate a challenger, and a substitute challenger at his discretion, to serve at each polling place during the hours the polls are open. The challengers thus serving have the right to observe the entire process. If the challenger feels that the election laws have been or will be violated, he should report this to the election judges, and if he is not satisfied with their decision he should contact the election authority. [115.105]

The chairman of the county committee of each political party named on the ballot also has the right to designate a watcher for each place votes are

counted in a partisan election. Watchers are to observe the counting of the votes, and should report any observed irregularity to the election judges or to the election authority. A party is entitled to only one watcher at each place votes are counted, and may not substitute watchers during the day. [115.107]

## **10. Oath to be taken by watchers and challengers**

Before any watcher or challenger is allowed to enter upon his duties, he shall take the following oath, which should be administered by an election judge: [115.109]

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.

Although the challenger and watcher have sworn not, in any way, to reveal the state of the count prior to the close of the polls on election day, the challenger may prepare lists of those who have voted and reveal the names. [115.105]

If any watcher or challenger interferes with the orderly process of voting, or is guilty of any misconduct, or any violation of the law, 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 should notify the election authority. [115.111]

## **PART 2 OPENING THE POLLS**

The polls shall open at 6:00 a.m. [115.407]

When the polls are open, and before the voting begins, the election judges shall open the ballot box and show everyone present that it is empty. The ballot box shall then be locked and the key kept by one of the election judges. [115.423]

## **PART 3**

### **STEPS TAKEN BY THE VOTER IN VOTING**

#### **1. Identification**

No person shall be allowed to vote whose name does not appear in the precinct register of voter registration, unless the election workers are instructed by the election authority to allow an individual to vote in their precinct. [115.425]

The only exception to this rule is for individuals in the federal service, who may vote at the polling place after completing an affidavit of qualification. [115.277]

Each voter appearing at the polling place shall be required to sign an identification certificate. This certificate should be initialed by two judges from different political parties, and will be maintained as part of the official records of the election. [115.427]

If any voter is unable to sign his name, an election judge shall complete the information for the voter and the voter shall make his mark where the signature would normally appear. In this case, the voter's mark shall be witnessed by the signature of an election judge. [115.427]

Before the voter is allowed to continue in the voting process, one judge for each political party shall compare the signature on the identification certificate with the signature on the registration card. [115.427]

No person shall be allowed to vote unless both election judges are satisfied that such person is the same person whose name appears in the precinct record. [115.429]

The identity or qualifications of any person attempting to vote may be challenged by any election personnel, any voter, or any 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. [115.429]

Any question concerning the identity or qualifications of a voter shall be decided by the majority of the judges. 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. [115.429]

If the right of any person to vote is challenged, the election judges or election authority may require such person to execute an affidavit affirming his qualifications. These affidavits are to be returned to the

election authority at the end of the day, and any person who makes a false affidavit of qualifications shall be guilty of a Class One election offense. [115.429]

If the election judges or the election authority desire to not let a person vote because of doubt of his identity or qualifications, the person may appeal to the Circuit Court. [115.429]

## **2. Certificates and voter records**

After satisfactory identification of the voter, the voter identification certificate initialed by two judges of different political parties shall be consecutively numbered and securely fastened with the others in the order received.

The election judge shall mark the voter's registration card to indicate that the voter has voted. [115.437]

## **3. Issuing the ballot**

After the voter's identification certificate has been initialed, two judges of different political parties shall initial the ballots or ballot cards. [115.433]

No ballot may be numbered or otherwise marked so that it could be identified as the ballot of a particular individual.

## **4. In the booth**

The voter shall take his ballot directly to the voting booth. No more than one person is to occupy a voting booth at any time, with the following exceptions: [115.439]

(a) A voter who cannot read or write. [115.445]

(b) A blind voter [115.445]

(c) A voter who has a physical disability. [115.445]

In these three cases, the voter may be assisted by the election judges, or by any person of his choice. If the voter asks for the assistance of the election judges, two judges of different political parties shall go to the booth and cast the ballot as he directs. If the voter asks for assistance from another person, that person shall go to the voting booth and cast the voter's ballot as he directs. No person except election judges and members of a voter's immediate family may assist more than one voter at one election. [115.445]

## **5. Spoiled ballot**

If a voter accidentally spoils or erroneously marks his ballot, he may return it to the election judge and receive another ballot. The election judge shall mark "Spoiled" across the face of the ballot, and place it in an envelope marked "Spoiled Ballots." The replacement ballot shall be initialed by a judge from each political party, as was the original ballot. [115.439]



## 6. Time spent in voting

Each voter shall vote without delay. [115.441]

## 7. Marking the ballot

*Straight ticket.* To vote a “straight ticket,” the voter should put a cross (x) mark in the circle immediately below the name of the political party favored by him. This will be counted as one vote for every candidate in that party’s column. [115.439]

*Split ticket.* To vote a “split ticket,” the voter may put a cross (x) mark in the circle immediately below the name of the political party favored by him, and then put other cross (x) marks beside the names of candidates of other parties for whom he wishes to vote. The top cross (x) mark will be counted as one vote for every candidate appearing in the favored party column, except those candidates whose competitors in other party columns have been marked by the voter. Those marked competitors will each receive one vote from such a ballot. [115.439]

Another way to vote a “split ticket” is to not put a cross (x) mark in any of the political party circles, but simply put cross (x) marks beside the names of individual candidates favored by the voter. In this case, the ballot will be counted only for those names having the cross (x) marks beside them. [115.439]

*Write-in votes.* To vote for a person whose name is not on the ballot, the voter may write the name of the person for whom he wishes to vote on the write-in line provided, and put a cross (x) mark in the square to the left of the name. Of, if there is no write-in line, the voter may draw a line through one of the printed names, and write above or below it the name of the person for whom he desires to vote, then also put a cross (x) mark in the square at the left of that written-in name. The squares so marked shall take precedence over the cross (x) marked in the party circle. [115.439]

*Non-party candidates.* If the ballot does not contain any party designations, the voter shall place a cross (x) mark in the square directly to the left of the names of the candidates for whom he desires to vote. [115.439]

*Issues.* 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 “yes” or “no”, as he wishes. [115.439]

*Electronic voting.* When a punch or sensor mark is used to vote a ballot or ballot card, these marks are to be interpreted the same way as the cross (x) mark. [115.439]

*Secrecy of the ballot.* Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the cross (x) marks are concealed. [115.443]

Where ballot cards are used, the voter shall, before leaving the booth, place his ballot card in the ballot envelope provided. The ballot should *not* be folded. [115.443]

## **8. Depositing the ballot and leaving the polls**

Where paper ballots are used, the voter shall place his ballot in the ballot box and leave the polls immediately. [115.443]

Where ballot cards with stubs are used, the voter shall, after leaving the voting booth, hand the envelope containing his ballot card to an election judge. The election judge shall remove the ballot stub from the card and return the ballot card and envelope to the voter, and the voter shall then place the ballot card, concealed in the envelope, in the ballot box and leave the polling place immediately. Where ballot cards without stubs are used, the voter shall, upon leaving the booth, place the ballot card and envelope in the ballot box. [115.443]

## **PART 4 COUNTING**

### **1. Counting area restricted**

No person other than election judges shall be admitted to the room or office where the ballots are being counted, except that political party representatives may be admitted to witness the counting.

### **2. Counting room personnel for paper ballots**

In the counting area, there should be four election judges. Two of these are designated as counting judges, and shall be of different political parties. One of the counting judges is to read the votes received by all candidates, and the votes for and against all propositions. The second counting judge should be positioned in a way that he can see all markings and printing on the ballot; it is his duty to verify or question any determination made by the other counting judge regarding an individual ballot or marking. [115.447]

The other two judges, one from each political party, are designated as recording judges. They are to tally the votes received by each candidate, and the votes for and against the propositions. [115.447]

“Counting judge” and “recording judge” describe functions, rather than individuals. Any judge may perform more than one function at a polling place on election day. [115.447]

### **3. Starting the count**

Unless the election authority has authorized the count to begin at an earlier time, all counting will begin as soon as the polls close. [115.449]

In most cases, the election authority will have authorized the judges to begin the counting procedure at an earlier time, and continue that procedure throughout the day. If this procedure is used, no ballots should be counted until at least one hour after the opening of the polls. At the end of that hour, two of the judges shall deliver the ballot box to the counting area, and receive a second empty ballot box. The second box shall be shown to be empty, as was done at the opening of the polls, and locked in the same manner. In no case shall the two ballot boxes be switched during the day at less than one-hour intervals, and then only if 25 ballots have been voted during the hour. [115.451]

#### 4. Counting the individual ballots

Ballots shall be counted in accordance with the same instructions or guidelines given the voter in marking ballots (see page 13). The counting judges should especially watch for the following:

*Votes for competing candidates.* When a ballot shows cross (x) marks beside two or more names for the same office, when only one candidate is to be chosen for that office, then the ballot shall not be counted for any of the candidates so marked. [115.453]

*Excess markings.* If a ballot contains more markings for an office than the number of persons required to fill the office, none of such votes shall be counted. If a ballot contains more than one vote for any candidate for an office, no such votes shall be counted for that candidate. [115.453]

*Too few markings.* No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law. [115.453]

*Blank ballot.* A ballot placed in the ballot box without any marks shall not be counted.

*Ballots folded together.* When two or more ballots containing exactly the same printed information are found folded together, they shall be considered fraudulent, and shall be rejected.

*Ballots with judges' initials.* If a ballot appears without the initials of two election judges, it shall be rejected, except where the absence of initials is due to a mistake made by election judges and the judges agree that the ballot is otherwise legal and proper. [115.457]

*Valid markings.* The purpose of elections is to determine the intention of the voter. A valid cross (x) mark is any crossing of two lines at any angle within the voting circle or square. No ballot, however, should be voided simply because the cross (x) mark is irregular in form. The judges have an obligation to count votes marked substantially in accordance with this section, when the intent of the voter seems clear. [115.453]

*Rejected ballots.* A rejected ballot is any ballot which the judges determine should not be counted. A ballot may be rejected for the following reasons:

- (a) Not containing the initials of the proper election judges. [115.447]
- (b) Containing more total votes, for all offices and questions, than allowed by law. [115.447]
- (c) Voted by a person who the judges determine to be unqualified to cast a ballot, and taken by the judges before it is placed in the ballot box. [115.447]
- (d) Voted with unlawful assistance. [115.447]

Rejected ballots should be placed in an envelope marked "Rejected Ballots." [115.449]

*Spoiled ballots.* Ballots accidentally spoiled by the voter (and replaced by election judges) should be placed in an envelope marked "Spoiled Ballots," [115.439]

After each ballot has been properly counted, the ballots shall be strung

on a wire or a string in the order read. After all ballots have been read and strung, and a count agreed to, 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 are not to be strung, but are to be placed in separate containers. [115.449]



## **PART 5**

### **CLOSING THE POLLS—FINAL DUTIES**

#### **1. Hour of closing**

The polls shall be kept open until 7:00 p.m. All voters who are at the polls at 7:00 p.m., including those in line to vote, must be allowed to vote. If possible, the judges should see that all voters in line to vote are inside the polling place, or that the end of the line is definitely identified in some way. [115.407]

#### **2. Certification of ballots**

After the polls have closed, the election judges must certify the following items: [115.459]

- (a) The number of identification certificates signed
- (b) The number of ballots cast
- (c) The number of rejected and spoiled ballots
- (d) The number of unused ballots

If the total number of signed certificates is not the same number as the number of ballots cast, the judges shall make a signed statement of that fact, and explain the reasons for the difference if the reasons are known to them. This statement shall be returned with the ballots and other information to the election authority. [115. 459]

#### **3. Certification of results**

If paper ballots are used, the judges shall certify two statements indicating the number of votes received by each candidate, and for and against each question. [115.459]

#### **4. Final certification**

Each of the judges should be sure to sign all the necessary certifications required by the election authority. If any judge declines to certify that any of the statements or information provided by the judges is correct, that person shall state his reasons in writing and this shall be attached to the statement or statements which he questioned. [115.459]

#### **5. Proclamation of results**

After the count has been agreed to, and the tally sheets properly completed, one of the judges shall announce in a loud voice, the total

number of votes received for each candidate, and for and against each issue. [115.449]

## **6. Delivery of ballots, reports, and other supplies**

After all the proper forms have been completed, the election judges shall enclose the voted ballots, tally books, tally sheets, statements of returns, and any other supplies in containers designated by the election authority. [115.463]

If the election authority requests that voted ballots be returned in the ballot box, the box shall be locked, the key removed, and each judge shall write his name on a strip of paper, which shall be pasted to the ballot box in a manner that would make it impossible to open the box without tearing the paper and destroying the signatures. [115.465]

If an envelope or other container is used, the same type of procedure should be followed to secure the container. [115.465]

The two supervisory judges shall be responsible for the return of election supplies from the polling place to a location designated by the election authority, and shall perform any additional duties prescribed by the election authority. [115.081]

## **PART 6**

# **ELECTRONIC VOTING SYSTEMS**

### **1. Electronic voting systems**

So-called electronic voting systems are generally systems where a ballot card marked with either a punch or a special marking device is tabulated electronically. The following basic terms are used in connection with electronic voting systems:

*Ballot card.* The ballot card is the actual ballot cast by a voter. It is voted by making a punch or sensor mark. [115.013]

*Ballot label.* The ballot label generally contains the names of all offices and candidates, and the statement of all questions to be voted on. The ballot label can be in the form of a card, a paper ballot, a booklet, or page, and is often attached to a marking device. [115.013]

*Marking device.* A marking device is usually a frame or mechanism designed so that ballots are inserted in it and voted by the use of a punch or other marking apparatus, with a series of pages or ballot labels that may be turned to expose different columns on the ballot card. [115.013]

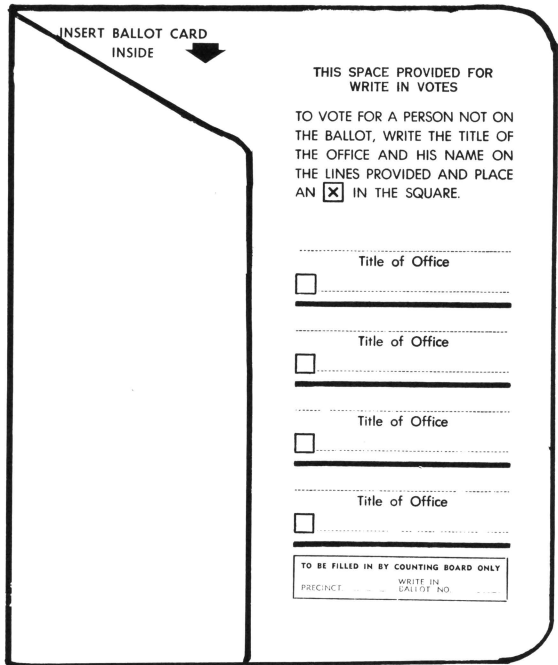
*Ballot envelope.* A ballot envelope is provided to insure the secrecy of a voter's ballot card when he removes it from the voting device and takes it to the ballot box. The ballot envelope also provides a means for casting a write-in ballot.

### **2. Electronic voting procedure**

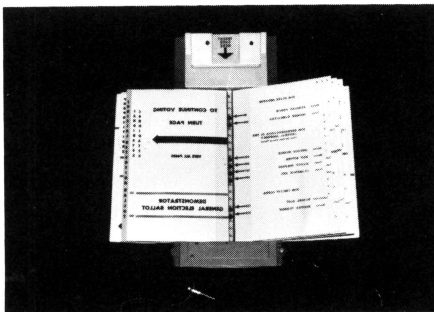
The basic procedure in conducting an election with electronic voting equipment is the same as the procedure used in paper ballot elections. [115.227]

### **3. Counting the ballots**

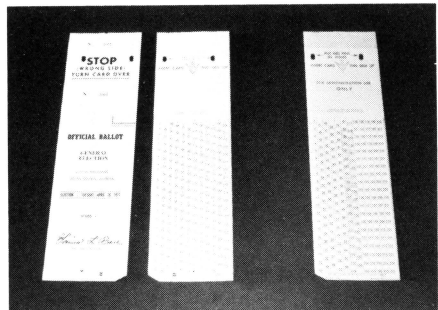
Since ballots in electronic voting systems are not counted manually, the counting procedure constitutes the greatest single difference from paper-ballot systems. The ballot cards may be counted on an electronic counting device at the polling place, or at some other location designated by the election authority after the polls close. In either case, the only manual counting done at the polling place is the counting of proper write-in votes. [115.467]



Sample of ballot envelope designed to ensure the secrecy of a ballot and to provide space for casting a write-in ballot.



The ballot label in the marking device of an electronic voting system.



The ballot card of an electronic marking system.

#### **4. Counting write-in votes**

Write-in votes are to be counted at a time the polls close, or at an earlier time, if so authorized by the election authority. [115.469]

The procedure is as follows:

- (a) The judges should remove all ballot cards from the ballot box. After first counting the ballot cards which are still in the envelopes, the judges should then separate the ballots with write-in votes from those without write-in votes. [115.467]
- (b) All forms containing write-in votes should be numbered consecutively, starting with the number one, and the same number also placed on the ballot card. This will allow individuals in the counting center to compare later the ballot card with the write-in envelope, if any questions arise concerning either the ballot card or the write-in vote. [115.467]
- (c) The election judges must then compare the write-in vote with the vote cast on the ballot card. If the voter has voted for a candidate for an office on the ballot card, and has also written in a candidate for the office on the write-in envelope in a way that the number of votes exceeds the number allowed by law (i.e., two votes cast for an office where only one vote is allowed), or if the voter has voted more than once for the same person for the same office, a notation of the fact shall be made on the back of the ballot card and it shall not be counted, but shall be returned with the write-in envelope to the counting location in an envelope marked "Defective Ballots." [115.467]
- (d) All proper write-in votes shall be read and counted in a tally book provided for that purpose in the same manner as paper ballots, in accordance with Secs. 115.449-115.453. No write-in vote shall be counted for any candidate whose name appears on the ballot for that office, except when more than one person is to be nominated or elected to an office, in which case the voter may write in the name of one or more persons as write-in votes, even if one of the individual names already appears on the ballot. [115.467]

#### **5. Preparing ballots for the counting location**

If, in the opinion of the judges, any ballot card is damaged so that it cannot properly be counted by the automatic tabulating equipment, that fact should be noted on the back of the ballot card and it should be returned to the counting location in the envelope marked "Defective Ballots."

The election judges must certify the following information:

- (a) The number of identification certificates signed
- (b) The number of ballots cast
- (c) The number of defective and spoiled ballots
- (d) The number of ballots with write-in votes
- (e) The number of unused ballots



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 if known. [115.471]

## **6. Final duties**

Immediately after signing the statements of returns provided by the election authority, the election judges should proceed as follows: [115.475]

- (a) Separate all remaining ballot cards, except defective ballot cards, from the write-in forms. (Ballot cards enclosed in write-in forms with write-ins on them will already have been separated in order to count the write-in votes.)
- (b) Enclose the following items in a container designed by the election authority (often called the transfer case):
  - (1) Ballot cards
  - (2) The envelope marked "Defective Ballots"
  - (3) All write-in forms containing proper write-in votes
  - (4) The write-in tally book
  - (5) The statements of returns, which have been certified by all election judges

Once this process has been completed, and all other election materials have been placed in the proper containers (write-in forms containing no votes, unused ballots, and other election supplies), the two supervisory judges shall deliver the containers to the counting location or other place designated by the election authority. It is extremely important that both supervisory judges accompany the ballots at all times. If for any reason a supervisory judge cannot deliver the ballots, another judge from the same political party should take that supervisory judge's place. [115.475]

If any 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 must make note of that fact, as well as the explanation given by the two supervisory judges concerning the reason the container was unsealed. [115.475]

## PART 7 ELECTION OFFENSES

There are four basic categories of election offenses.

### 1. Class One offenses

The following Class One offenses may be punished by up to five years of imprisonment, or by a fine of \$2,500 to \$10,000, or a combination of both: [115.631]

- (a) Willfully falsifying any certificate, affidavit, or statement required by law. This pertains both to the election officials and to any individuals who willfully attempt to hinder or obstruct the proper performance of election duties.
- (b) Voting more than once, or voting in the knowledge that one is not entitled to vote.
- (c) Getting another person to cast an illegal ballot.
- (d) Applying for a ballot in the name of another person.
- (e) Aiding, assisting, or advising another person to vote, knowing that such person is not entitled to vote.
- (f) An election judge causing or permitting any ballot to be in the ballot box before voting has begun.
- (g) Knowingly causing a person to cast a vote which would be rejected, or otherwise defrauding such person of his vote.
- (h) An election judge allowing any ballot, or anything resembling a ballot, to be placed in a ballot box, unless the ballot is offered by a qualified voter.
- (i) Placing a false, fraudulent, or bogus ballot in a ballot box.
- (j) Removing any legal ballot from a ballot box, or in any other manner knowingly changing the true and lawful count of the election.
- (k) Altering, defacing, damaging, concealing, or destroying any election material for the purpose of changing the count of the election.
- (l) An election worker knowingly making any incorrect account of an election.
- (m) An election worker completing any certificates, or declaring any election results, he knows to be based on illegal votes or returns.
- (n) Willfully destroying or damaging official ballots during the time

they are required to be preserved.

- (o) Tampering with, or otherwise altering any voting device for the purpose of misleading the voter, or changing or destroying the count. This does not mean that an election worker should not make repairs to equipment as directed by the election authority.
- (p) Knowingly registering to vote if not entitled to register.
- (q) Aiding or encouraging any other person to register to vote, knowing such person is not entitled to register.
- (r) Altering any counting equipment or computer program to give untrue or unlawful results.
- (s) Any person assisting a blind or disabled voter and failing to cast a person's vote as he directs.
- (t) A registration or election official knowingly allowing improper registration.

## **2. Class Two offenses**

The following are Class Two offenses, and may carry the same punishment as Class One offenses: [115.633]

- (a) Willfully concealing, breaking, or removing any ballot box from the custody of the election judges before the counting of votes is completed.
- (b) Willfully damaging any voting equipment.

## **3. Class Three offenses**

The following are Class Three offenses and may carry a penalty of one year imprisonment and a maximum fine of \$2,500 or a combination of both: [115.635]

- (a) Offering or attempting to receive any money or other consideration relating to casting a ballot; using or threatening any force, violence, restraint, etc., relating to casting a ballot; interfering with a voter's right to cast a ballot.
- (b) Attempting to buy a public office.
- (c) Bringing a non-resident person into the state with the intention of having that person vote without having the proper qualifications.
- (d) Asking for or receiving any monies or other valuable considerations in return for casting or refraining to cast a vote.
- (e) Removing, altering, or destroying any supplies or information which have been placed in the voting booth for the purpose of enabling the voter to prepare his ballot.
- (f) Assisting a person to vote knowing that he is not entitled to such assistance, or coercing, requesting, or suggesting that a voter entitled to assistance vote in a specific way.
- (g) Entering a voting booth or compartment, except as authorized by law.
- (h) Revealing any information regarding the ballot of a voter who has been assisted in voting, except as provided by law.

- (i) Refusing to allow any person to register who is entitled to register.
- (j) Attempting to commit any Class One or Class Two election offense is considered a Class Three offense, even if the attempt is unsuccessful.

#### **4. Class Four offenses**

The following are Class Four offenses, and may be punished in the same way as Class Three offenses: [115.637]

- (a) Stealing, concealing, or defacing any sample ballots provided by an organization or individual near a polling place on election day.
- (b) Printing, circulating, or causing to be printed or circulated, any false or fraudulent sample ballots.
- (c) Giving a sample ballot to any voter with the intention of misleading him.
- (d) Any candidate for election to any office promising to discharge the duties of that office for a sum less than the salary, fees, or other emoluments as fixed by law; or any candidate promising to pay back or donate to any public or private interest any portion of the regular compensation of the office.
- (e) Printing or distributing election material relative to the candidacy of any person unless that material bears the name and address of the person, firm, etc. responsible for the printing and distribution.
- (f) Any canvasser chosen to check a registration list failing to perform faithfully his duties.
- (g) Any employer making, enforcing, or attempting to enforce any rule or regulation preventing an employee from engaging in any political activities.
- (h) Any person authorized or employed to print or deliver official ballots doing so in any way other than in the manner required by law and as directed by the election authority.
- (i) Any election authority knowingly distributing or causing to be distributed any ballots that do not meet the requirements of the law.
- (j) Any person having an official ballot in his possession, except in the performance of his duty as an election authority or official, or in the act of exercising his voting privilege.
- (k) Any person willfully altering any ballot before it is delivered to the voter.
- (l) Any election judge being absent from the polls without good cause, or failing to deliver any election material or equipment in his possession to the proper place in a prompt manner.
- (m) Any election authority failing to perform the duties required of him by law.
- (n) Any election judge, watcher, or challenger furnishing any information tending in any way to show the state of the count prior to

the close of the polls.

- (o) Any voter 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, nor any voter making a false statement about his ability to mark his ballot.
- (p) Any election judge disclosing to any person the name of any candidate for whom a voter has voted, if for some reason the judge possesses that information.
- (q) Attempting to interfere with any voter inside a voting place, who is attempting lawfully to cast his ballot.
- (r) Causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence at a registration site, polling place, or any other location involved in the voting process.
- (s) Electioneering, distributing election literature, posting signs, placing vehicles bearing signs with respect to any candidate or question to be voted on at an election within 25 feet of the closest outer door of the building being used as a polling place; or refusing to remove or to permit the removal of any such material.

## **PART 8**

### **QUALIFICATIONS FOR REGISTRATION AND VOTING**

#### **1. Who can vote**

Any citizen who is entitled to register and vote in Missouri shall be entitled to vote in all statewide public elections, and all public elections held for districts and political subdivisions within which he resides, except that only persons who fulfill ownership requirements shall be entitled to vote in elections where ownership of property is required by law. [115.137]

#### **2. Persons who can register**

The following requirements must be met in order for a person to register and vote in Missouri:

- (a) U.S. citizenship
- (b) Residency in the state of Missouri
- (c) Age 18 or older. Any person who will become 18 on or before the day after the next election may register and vote, but must be registered no later than 5:00 p.m. on the fourth Wednesday prior to the election. [115.135]

#### **3. Persons who cannot register**

No person who has been declared incompetent, or who has been convicted of a felony or misdemeanor connected with the right of suffrage is entitled to register to vote except as provided in Sec. 115.133.

#### **4. Deadline for registration**

In order to vote in any election for which registration is required (all elections except property ownership elections), a person must be properly registered no later than 5:00 p.m. on the fourth Wednesday prior to the election. [115.135]

## **PART 9**

### **TIMES AND PLACES OF ELECTIONS**

All public elections in Missouri shall be held on Tuesday, except bond elections necessitated by fire, vandalism, or natural disaster, elections for which ownership of real property is required, special elections to fill vacancies and decide tie votes or election contests, and dates otherwise expressly provided by city or county charters before January 1, 1979. The election days are to be the first Tuesday in April, and the first Tuesday after the first Monday in February, June, August, October, and November. [115.121, 115.123]

Elections shall be held in the polling places specified by the election authority for that election. The election authority may consolidate two or more adjoining precincts for any election, if such is determined to be necessary. [115.115]

## **PART 10**

### **APPOINTMENT AND QUALIFICATIONS OF ELECTION JUDGES**

#### **1. Number of judges**

There shall be 4 election judges for each precinct or election district in the county. If the expected voter turnout at a polling place indicates that 4 judges may be insufficient, the election authority may appoint an even number of additional judges. [115.081]

#### **2. In jurisdictions with county clerks**

In counties where the county clerk is the election authority, judges are appointed by the county clerk for a two-year period, and are chosen from a list submitted to the county clerk by the county committee of each major political party. Each polling place shall have an equal number of judges from each political party, and the workers for each election will be chosen from the group of workers designated by the county clerk to serve as election workers from the time of their appointment until February 10 of each odd-numbered year. [115.087]

#### **3. In jurisdictions with boards of election commissioners**

In counties where a board of election commissioners is the election authority, the board shall appoint election judges for individual elections, or for a term the same as the term of the board. The board may ask the county committee of each major political party to submit a list of persons qualified to serve, and may select and appoint judges from those lists. [115.089]

#### **4. Political affiliation**

One-half of the judges at each polling place should be members of one major political party, and one-half should be members of the other major political party. [115.081]

#### **5. Qualifications for 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 is appointed. [115.085]

Each election judge shall be a person of good repute and character, who



can speak, read, and write the English language.

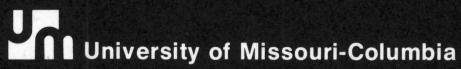
No person shall serve as an election judge at any polling place in any election in which his name or the name of a relative within the second degree appears on the ballot, except that in counties having a population of less than 250,000 any member of the county committee who is not a candidate for any other office, and who is not opposed for re-election, and any relative of any such member may serve as an election judge. [115.085]

**Election Dates:**

**Location of Polling Place:**

**Election Authority (name and telephone):**





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