

# Election Statute Navigator: Missouri

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/missouri/covid/#tracker>.

## Voter Registration

- Voters (other than above) register prior to Election Day **115.135**
  - [See official Missouri Election Calendar](#)
- Online registration available
  - [See official Missouri online registration website](#)
- Registration via mail available **115.159.1**
  - [See official Missouri online registration website](#)
- In-Person registration available
  - [See official Missouri online registration website](#)
- Preregistration allowed **115.133.1**
  - 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.
- Residency requirement **115.135**
- Prior conviction eligibility **115.133.2**
  - 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.
- Voter list maintenance guidelines
  - **115.157** - Computerized; lists may be sold; how entered, when released; records closed
  - **115.158** - Voter registration system authorized, functions; maintenance; security measures; verification of information; not to be used for commercial purposes
  - **115.163** - Precinct register required
  - **115.193** - Name stricken from register, conditions; notice, method, contents

- **115.195** - Death, felony, and misdemeanor convictions, persons adjudged incapacitated; records, when obtained.
- **115.197** - Governor to furnish list of persons pardoned.
- **115.199** - Deceased and incompetents removed from register, when; persons convicted and pardoned, how handled.
- Other:
  - **115.161** - Registration of persons unable to write
  - **115.162** - Declination of registration

## *State Absentee, Early, and Mail Voting*

- Persons eligible to vote absentee **115.277**
- Absentee ballot application is verified **115.287**
- Notary or witness signatures required on return envelope **115.283**
- Absentee ballot verification details **115.295**
- Someone other than the voter can register/return an absentee or mail ballot on behalf of the voter
  - **115.279(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. The election authority shall accept applications by facsimile transmission and by electronic mail within the limits of its telecommunications capacity.
  - **115.291(2)** - Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.
- Deadline by which election official must receive absentee/mailed ballots **115.279.3; 115.293**
- Absentee/Mail ballot processing and counting procedures **115.299; 115.300**
- Absentee ballots are reported separately from precinct totals **115.507**
  - The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote.
- Spoiling/Replacement/Correction ballot restrictions
  - **115.283.5** - Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be

permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

- **115.439.2** - 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.
- **115.456.1(3)** - In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected, if the voter wishes to make any changes to the ballot, or if the voter would like to spoil the ballot and receive another ballot.
- **115.456.1(4)** - In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall be reviewed by a bipartisan team using the following criteria:
  - (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot
- **115.655.5** - 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.
- Other:
  - **115.279.4** - 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 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.
  - **115.279.1** - 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.
  - **115.285** - Secretary of state may prescribe regulations as to printing absentee ballot and mailing envelopes, no cost to voter.
  - **115.652** - Mail-in voting may be conducted, when, limitations

## *In-Person Voter ID*

- ID requirements **115.427.1**
- Options for voters without ID **115.427.2 through 115.427.4**

## *Provisional Voting*

- Provisional ballot availability **115.159; 115.427; 115.430**
- Time allotted to determine the status of provisional ballot **115.511**

- Provisional ballot rejection reasons **115.430**

## *Polling Place*

- Polling Place availability and requirements
  - **115.140** - Handicapped and hearing-impaired persons, provisions for
- Electioneering must not be closer than **25** feet to the entrance of the polling place **115.637(18)**
- Rules governing poll observers **115.409**
- Poll watcher qualifications **115.107**
- Police presence **115.185(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.
- Other:
  - **115.143** - Deputy registration officials, qualifications of
  - **115.259** - Voting machines to be visible to election judges at polls
  - **115.409** - Who may be admitted to polling place

## *State Emergency Rules and How Elections are Affected*

- State supreme court will establish election panels for all districts affected by a disaster. Petitions to move polling places or reschedule elections will be heard by the district's panel. **115.024**
- Listed triggers for Emergency Rules **115.024.1**
- Explicit remedies in election statute **115.024.3**
- Other:
  - **115.291.3** - 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.

## *Counting Rules*

- Voting system requirements
  - **115.225** - Automated equipment to be approved by secretary of state; standards to be met
  - **115.229** - May be used, when
  - **115.230** - Voter verification, electronic system or pad authorized
  - **115.233** - Testing
  - **115.249** - Standards required of voting machines

- **115.257** - Electronic voting machines to be put in order, procedure; absentee ballots, procedure; on-site storage of voting machines
- **115.259** - Voting machines to be visible to election judges at polls
- Counting procedures
  - **115.449** - Ballots, when and how counted
  - **115.451** - Judges may read and record votes before polls close
  - **115.453** - Procedure for counting votes for candidates
  - **115.455** - Procedure for counting votes on questions
  - **115.456** - Responsibilities of election authority; counting optical scan ballots; counting paper ballots; marks indicating political party preference, how construed.
- Other:
  - **115.457** - Uninitialed ballots rejected, exception.

### *Contest/Protest, Recount Rules*

- Voter protesting
  - **115.553.2** - 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.
- Candidate contest
  - **115.526** - Challenging the declaration of candidacy or qualifications of any other candidate
  - **115.527** - Challenging the correctness of the returns for the nomination
  - **115.553.1** - Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.
- Contest procedure
  - **115.505** - 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.
  - **115.529** - Circuit courts shall have jurisdiction to hear and determine all primary election contests.
  - **115.549** - New primary election may be ordered, when
  - **115.555** - Contest of state office election to be heard by supreme court.
  - **115.557** - Election contest to be filed, when
  - **115.559** - Procedure after filing of petition
  - **115.563** - Contests for office of senator or representative to be heard by respective body
  - **115.565** - Contests for house or senate seats, where and how filed
  - **115.567** - Contestee, service on, how made; notice to secretary of state; time for filing answer.
  - **115.569** - Depositions, when taken — civil discovery rules to apply

- **115.571** - Evidence to be received, form, contents
- **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
- **115.575** - Contests for office of circuit judge, where heard; other contests, where heard; filing in incorrect circuit, procedure
- **115.577** - Time in which election contest may be filed
- **Contest/Protest recount**
  - **115.539** - Circuit court to order recount of votes, when
  - **115.541** - Recount, primary election, irregularities in election; how conducted
  - **115.583** - Recount of votes ordered, when