

2008

Missouri Voter Protection Laws in a Nutshell



Just Democracy!



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INTRODUCTION

This publication is intended to distill complex election law for lawyers, advocates, voter registration campaigns and “Get Out the Vote” campaigns. It combines state election law with state regulations, rules, attorney general opinions and other election materials to provide a comprehensive interpretation of the law and practices that impact elections. While this publication does not cover every provision of state election laws, it highlights those provisions which in our experience have most impacted the voting rights of minority voters.

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VOTER REGISTRATION - GENERAL

Who may register to vote?

An individual may become a registered voter in Missouri if she is:

- At least 17 years and 6 months of age;
- A citizen of the United States;
- A resident of the State of Missouri; and
- A legal resident of the voting precinct in which she would like to register.¹

A person who registers prior to the age of 18 may only vote in elections occurring on or after her 18th birthday.²

A person is **not** eligible to register or to vote in Missouri if she:

- Has been judged mentally incapacitated;
- Is currently confined under a sentence of imprisonment;
- Is on probation or parole after being convicted of a felony; or
- Has been convicted of a felony or misdemeanor related to voting rights.³

When will the primary and general election be held?

The Primary Election will be held on Aug. 5, 2008.

The General Election will be held on Nov. 4, 2008.

What is the voter registration deadline for each election?

Under Missouri law, a person must register to vote no later than 5 p.m. (or later if the public building where registration is being held closes after 5 p.m.), by the fourth Wednesday prior to the election. No person can register to vote after 10 p.m. four Wednesdays prior to the election. A person who registers to vote after the 10 p.m. deadline will only be eligible to vote in subsequent elections.⁴

July 9, 2008 is the last day to register to vote in the August 5, 2008 Primary Elections.

October 8, 2008 is the last day to register to vote in the November 4, 2008 General Election.

An applicant who registers in person before an election registrar will be deemed registered at the time their completed, signed and sworn application is witnessed by a registration official. Those who register by mail will be deemed registered on the date that the application is postmarked if the application is accepted. Those who register at another state agency will be deemed registered as of the date the application is signed.⁵

Can a person register to vote after the deadline for voter registration (book closing)?

Yes. Missouri's voter registration deadline does not apply to the following persons:

- "Interstate former residents" - Former residents and registered voters in Missouri who have moved outside of the state, who are not eligible to register to vote for a presidential election

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in the state to which they have moved solely because that state's voter registration deadline has passed;⁶

- “Intrastate new residents” - Registered voters in Missouri who move from one election authority's jurisdiction in Missouri to another election authority's⁷ jurisdiction (typically from one county to another) in Missouri after the fourth Wednesday before a presidential election and who would otherwise be qualified to vote⁸ ; and
- “New resident” - Persons who have moved to Missouri after the fourth Wednesday before a presidential election.⁹

Interstate and new residents, despite missing Missouri's voter registration deadline, can vote by absentee ballot for presidential and vice presidential electors.¹⁰ Intrastate new residents may vote by absentee ballot for presidential and vice presidential electors, United States senator, Congressional representatives, statewide elected officials and statewide questions, propositions and amendments from the jurisdiction serving their new address after registering to vote in their new jurisdiction of residence.¹¹

Where can a person register to vote in Missouri?

Missouri law requires that a person be allowed to register in-person at the office of their local election authority,¹² by mail,¹³ or at one of the following locations:

- Motor vehicle offices;¹⁴
- Offices of the state that provide public assistance (i.e., Social Services, WIC, etc.)¹⁵ ;
- Offices that provide state-funded programs that primarily serve persons with disabilities; and
- Armed forces recruitment offices.¹⁶

The election authority or Secretary of State must provide voter registration forms to groups or individuals upon request.¹⁷

The National Voter Registration Act of 1993 (NVRA) requires each state to designate other state and local government offices as voter registration agencies. These offices may include, but are not limited to: public libraries, public schools, marriage license bureaus, fishing and hunting license bureaus, government revenue offices, and unemployment compensation offices.¹⁸

At least half of the voter registration sites provided by the election authority must be accessible to people with disabilities, and interpreter services must be provided upon request for those with hearing impairments who wish to register.¹⁹

Voter registration agencies must offer assistance to applicants in completing their registration application forms.²⁰ If an applicant is unable to write, the election official can complete the registration card, having the applicant sign by mark, witnessed by the election official.

Voter registration sites are required to accept completed voter registration forms and transmit them to the appropriate election authority **within 5 business days** of being completed by the applicant.²²

What information must be provided on a voter registration application?

The Help America Vote Act of 2002 (HAVA) and Missouri election law require an applicant to provide on her voter registration application a current and valid driver's license number or the last four digits of her social security number if she doesn't have a driver's license.²³ If the applicant has neither a driver's license nor a social security number the State will assign the applicant a unique identification number for voter registration purposes.²⁴ Voters must check the boxes indicating that the applicant will be 18 on election day and is a U.S. Citizen, and must sign the application.²⁵

Voters in Missouri who register to vote by **mail** must for the **first time** following their registration vote in-person and present acceptable identification.²⁶ Voters who register by mail will not receive a voter identification card until they have done this.²⁷

Following legislation enacted in 2006, voters who register by mail can't vote absentee until the election authority is able to verify their identification.²⁸ Any person registering to vote by mail who wants to vote absentee must submit as part of her application: (1) a copy of current and valid photo identification **or** (2) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter. As an alternative, voters who register by mail and who request an absentee ballot may submit either a driver's license number **or** the last four digits of their social security number **if** such information can be matched with an existing state identification record bearing the same number, name, and date of birth.²⁹

Any person registering to vote by mail and who requests to vote absentee and who provides none of the above, will not be allowed to vote by absentee ballot until she has (1) voted in person and presented at that time a proper form of identification, **or** (2) provided a copy of a proper form of identification to an election authority.³⁰

Note, there is no statutory law defining what constitutes a registration by mail. Thus, nothing in the law says that a **mail-in voter registration application** that is **hand-delivered** must be considered a registration by mail and subject to the additional mail-in identification requirements.³¹ However, many election authorities process voter registration applications that are hand-delivered by third parties as part of voter registration drives as mail-in applications, and thus require those applicants to present identification upon voting for the first time. Nevertheless, all such applicants will receive notice from the election authority concerning the receipt and processing of their voter registration application.³²

Are persons conducting voter registration drives required to deliver or mail completed voter registration applications to registrar offices within a certain time limit?

Yes. Since 2006, those engaging in voter registration must deliver completed voter registration applications to election registrars within seven days of accepting or receiving the application.³³

Any person who is paid or otherwise compensated for soliciting more than ten voter registration applications (other than a government entity) must register with the Secretary of State's office as a voter registration solicitor. Solicitors must be at least 18 years old and be registered voters in Missouri.³⁴ In addition, those conducting voter registration cannot be paid based the number of

people they register or the number of applications they submit or collect.³⁵

When voter registration applications are mailed or delivered to election officials, how long will it take for the application to be processed?

State law provides that within seven days of receiving a voter registration application, the election authority must send the applicant a verification notice informing the voter that the application has been received and either that the application has been approved, that the application is incomplete pending additional information, or specifying why the applicant is not qualified to vote.³⁶ The NVRA also requires that state election officials send notice to a voter registration applicant of the disposition of his application.³⁷

Can election officials delay the processing of a voter registration application or deny registration outright, based on their inability to match the applicant's HAVA-ID number with a record in the Social Security Administration or state driver's license database?

Pursuant to the Help America Vote Act of 2002, state law requires the Secretary of State and department of revenue to match applicant information in the voter registration database against DMV and Social Security Administration records.³⁸ The law simply provides that “within seven business days after receiving the application, the election authority shall send the applicant a verification notice.”³⁹ There appears to be no exception codified in statute that would allow for delayed processing of a registration application due to inability to match records. Applicants whose data can not be matched are processed and entered into the statewide database, deemed as “pending” or “incomplete” applications until the discrepancy is fixed.⁴⁰

If election officials delay or deny processing a voter registration application because the applicant's HAVA ID number cannot be verified, will the applicant be notified?

Missouri law requires election authorities to notify voter registration applicants by mail within seven business days after receiving the application concerning the status of their application.⁴¹ Such applicants should be advised that their application is incomplete, pending verification of needed information, and instructing applicants on the steps needed to complete their application.⁴²

What can a person do if his application is denied?

If the election authority determines that the applicant is not entitled to register, it must, within seven business days after receiving the application, notify the applicant by mail and state the reason why the applicant is not qualified.⁴³ The voter can appeal an irregularity by filing a complaint with the Secretary of State's Office.⁴⁴ If an application is incomplete due to the voter's failure to answer the question concerning United States citizenship, the election authority must notify the applicant of the failure and allow him to complete the form and allow it to be processed before the next election.⁴⁵

IDENTIFICATION REQUIREMENTS

What identification is required for voter registration?

In Missouri, a person registering to vote in person with an election authority must present a valid Missouri driver's license **or** other form of personal identification at the time of registration.⁴⁶

Acceptable forms of identification may include, but are not necessarily limited to: a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri driver's license or other form of personal identification.⁴⁷ Voters who register by mail must present one of these at the polling place before they will be allowed to vote.

What identification is required at the polling place?

All voters are required to show identification in order to vote.⁴⁸ Voters without one of the approved forms of identification may vote a regular ballot if personally known by two election judges (one from each party), who sign an affidavit attesting to the voter's identity.⁴⁹ Acceptable forms of identification include:

- Identification issued by the state, an agency of the state, or a local election authority, including a voter ID card;
- Identification issued by the federal government, including, for example, a passport;
- Identification issued by a university, college, vocational school, or technical school located in Missouri;
- A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the voter's name and address; or
- A driver's license or state identification card issued by another state.⁵⁰

Voters are not required to present identification bearing their photo or signature. In 2006, the Missouri Supreme Court struck a law that would have required voters to show state-approved photo identification at the polls.⁵¹ The court found the measure would infringe on the state constitution's fundamental right to vote and equal protection provisions. The U.S. Supreme Court's 2008 decision upholding photo ID requirements in Indiana does not change this Missouri ruling.⁵² In 2008, the Missouri legislature introduced but failed to approve a measure that would have asked voters to change the Missouri constitution to allow the narrower photo ID requirements and require proof of citizenship upon registration.

What identification is required to obtain or file an absentee ballot?

For *first-time* voters, copies of one of the following forms of identification must be provided to the election authority before an absentee ballot will be issued:

- Identification issued by the state, an agency of the state, or a local election authority;
- Identification issued by the federal government;
- Identification issued by a university, college, vocational school, or technical school located in Missouri;
- A driver's license or state identification card issued by another state.⁵³

A voter may also vote absentee upon presenting a driver's license number or the last four digits of her social security number if the Secretary of State's office is able to match that information with an

existing state identification record bearing the same number, name, and date of birth as provided in such registration.⁵⁴

What identification is required to validate a provisional ballot?

A voter who believes that he is properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established upon review of the precinct register or records on file with the election authority, must be allowed to vote a provisional ballot after providing a form of personal identification.⁵⁵ However, an individual who has registered to vote by mail and who votes in person, but who does not present a proper form of identification for the first time following registration, may cast a provisional ballot, but the ballot will not be counted.⁵⁶ A provisional ballot must be cast at the correct **polling place** in order for it to be counted.⁵⁷ Note that a Missouri federal district court ruled in 2004 that provisional ballots cast at the wrong polling place could be rejected so long as the voter was directed to his correct polling place or a central polling place,⁵⁸ suggesting that there might be authority to support the counting of provisional ballots cast at the wrong polling place if poll workers fail to direct voters to the correct voting site.

VOTER REGISTRATION LIST MAINTENANCE

For what reasons can a person's name be removed from a list of registered voters?

The Secretary of State is charged with maintaining the statewide voter registration database and with taking reasonable efforts to remove the names of ineligible registrants.⁵⁹ Missouri election law permits removal of voters' names from the voter registration list for the following reasons:

- Upon the voter's death;
- The voter has been convicted of any felony or of a misdemeanor connected with voting;
- The voter has been adjudged mentally incapacitated and has not been restored to capacity;
- The voter confirms in writing that she has moved outside the election authority's jurisdiction in which she is registered; or
- The voter has changed addresses, failed to respond to an address confirmation notice sent from the election authority and the voter does not vote in two federal elections after the address confirmation notice is sent.⁶⁰

A voter cannot be removed from the rolls solely due to her failure to vote.⁶¹

Under what circumstances will a person's name be placed on a list of inactive voters?

A person's name will be placed on the inactive voter list if:

- The election authority receives from the U.S. Postal Service notification that the voter no longer lives at the address last known to the election authority and no forwarding address is available; or the election authority does not receive a response to an address confirmation notice within thirty days from the date the election authority sent the notice.⁶²

Being on the inactive list does not prevent a voter from casting a ballot. The election authority may only exclude inactive voters to determine:

- The number of ballots printed;
- The proportional cost of elections; or
- Mailing information to registered voters.⁶³

How does the voter get his name back on the active list?

A person will remain on the inactive voter list until:

- The voter returns the address confirmation notice to the election authority;
- The voter provides the election authority with her new address;
- The voter provides the election authority with a written affirmation that her address has not changed; or
- The election authority receives "sufficient information"⁶⁴ to either remove the voter from the voter registration list or return the voter to the active list of registered voters.⁶⁵

What should the voter do if he changes her address?

Voters who move outside of the election jurisdiction in which they are registered (typically, if they move to a new county), must re-register in the jurisdiction of their new residence by the voter registration deadlines – July 9 for the August 2008 primaries and October 8 for the November 2008 general elections.

Voters who move to a different address within the same county can change their registration address on Election Day at their new polling place or the central polling location. Even if they haven't submitted a change of address or re-registered, such voters can appear at the polling place serving their new address (or central polling place) and cast a regular ballot upon written or oral affirmation of their new address.⁶⁶ Such voters should not be made to cast a provisional ballot even though their names will not appear on local precinct rolls at their new polling place.

What are the procedures for removing names of persons who have felony convictions?

Each election authority is charged with determining the voting qualifications of those reported convicted or pardoned.⁶⁷ Under Missouri law, at least once each month, the clerk of each circuit court is to provide a list of anyone convicted of a felony or a misdemeanor connected with the right of suffrage. The Secretary of State also gets a copy of the list and is also charged with notifying the local election authority.⁶⁸

May a person whose name has been removed because of a felony conviction have his right to vote restored?

Yes. In Missouri, felons' rights to vote are automatically restored and those people may re-register to vote once they have completed their sentence of imprisonment, parole, and probation and no longer under the jurisdiction of the Department of Corrections (otherwise known as being "off paper").⁶⁹ However, if the person was convicted of any crime related to voting, the person is forever disqualified from voting.⁷⁰ State law requires the governor to provide election authorities a list of anyone who has been pardoned by October 10th of each year.⁷¹

What are the procedures for removing names of persons who have been found mentally incompetent?

The Missouri Constitution provides that "no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction ... shall be entitled to vote..."⁷² At least once a month, the clerk of each circuit court must provide local election authorities with a list of people who have been adjudged mentally incompetent.⁷³ Each election authority will remove the names of those adjudged incapacitated.⁷⁴ A federal appeals court affirmed the dismissal of a legal challenge to the constitutional provision barring those under guardianship from voting, finding that Missouri probate law appears to (1) preserve the right to vote for partially incapacitated individuals, unless a court specifies otherwise, and (2) deny the right to vote for totally incapacitated individuals, unless a court specifies otherwise.⁷⁵ Accordingly, the court concluded that that law allows those under partial guardianship to vote if a probate court concludes they are competent to do so.

What may a voter do if she learns her name has been removed from the registered voters' list in error?

A voter who believes that her name has been removed from the voter registration list in error or believes any violation of the Help America Vote Act has occurred can file a complaint with the Secretary of State's office. The complaint must be notarized and filed within 30 days of the certification of the election in which the violation is alleged to have occurred.⁷⁶ 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 the voter 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.⁷⁷ 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.⁷⁸

Who may obtain a list of registered voters?

All voter registration records are public records and open to public inspection, unless they pertain to undercover officers, persons in a witness protection program, or victims of domestic violence who have received protection orders (those people may apply in circuit court to have the residential address on their voter registration records closed to the public if they feel it would endanger their safety).⁷⁹ Upon request and payment of a reasonable fee, anyone may obtain a printout, list and/or computerized list of newly registered voters or voters deleted from the rolls since the last canvass or updating of the rolls.⁸⁰ However, no information contained in the voter registration records may be used for commercial purposes.⁸¹

Furthermore, the Secretary of State and the election authority must make available to any person electronic lists or printouts showing voters' names, voter identification numbers, birth dates, addresses, townships or wards, and precincts maintained as part of the state's Centralized Voter Registration Database, though it is not need not be made available to the public over the Internet.⁸²

ABSENTEE AND EARLY VOTING

Who is permitted to vote by absentee ballot?

Registered Missourians who are not able to go to their polling place on Election Day may vote absentee beginning six weeks prior to an election. A registered voter may vote by absentee ballot for the following reasons: ¹¹⁶

- Absence from the voting jurisdiction in which she is registered to vote on Election Day;
- Incapacity or confinement due to illness or physical disability,
- Being the primary caregiver to a person who is incapacitated or confined due to illness or disability;
- Religious practice or belief;
- Employment as an election authority, a member of an election authority, or by an election authority at a location other than the voter's polling place; or
- Incarceration, providing that voting rights are retained.⁸³

In addition, any person in the federal service not yet registered to vote in Missouri may cast an absentee ballot for president, vice president, U.S. senators, and congressional representatives.⁸⁴ A person is deemed to be in "federal service" if he or she is (or if he or she is a spouse or dependent of):

- A member of the armed forces of the United States in active service;
- An active member of the merchant marine of the United States;
- A civilian employee of the United States government working outside the United States;
- An active member of religious or welfare organizations assisting servicemen;
- A person who has been honorably discharged from the armed forces or who has terminated their service or employment with any group mentioned above within sixty days of the election.⁸⁵

Persons who are unable to vote at a polling place, due to military service or because they live in isolated or extremely remote areas of the world may apply for a special write-in absentee ballot within eighty days of the election. A qualified absentee voter may apply for the special write-in absentee ballot by federal postcard application, by letter, or a form prepared by the local election authority. The application should be sent to the local election authority of the area which contained the voter's last residence in Missouri.⁸⁶

Interstate residents may vote absentee for presidential and vice presidential electors.⁸⁷ New residents may vote absentee for presidential and vice presidential electors after registering to vote, and intrastate new residents may vote absentee for presidential and vice presidential electors, United States senator, Congressional representatives, statewide elected officials and statewide questions, propositions and amendments after registering to vote.⁸⁸

How may a person request an absentee ballot?

A qualified voter can apply for an absentee ballot in person, by mail, or by fax. An absentee ballot can also be requested in-person by the voter's legal guardian or a member of the voter's immediate family.⁸⁹ All applications must be made to the election authority in the jurisdiction where the voter

is registered.⁹⁰

To apply for an absentee ballot, the voter must provide his or her name, address, the reason for voting by absentee ballot, and the address to which the absentee ballot should be mailed (if applicable). If the applicant seeks to vote by absentee ballot in a primary election, she should also state which political party ballot she wishes to receive.⁹¹ If the voter does not designate a political party, she will be provided only with the portion of the ballot in which party designation is not required.⁹²

Each application must be signed by the applicant, the applicant's guardian, or the applicant's relative. If the applicant, guardian, or relative is blind, unable to read or write English, or is physically incapable of signing the application, he or she may sign by a mark, to be witnessed by the election official or a person of the voter's choice.⁹³

Voters who are permanently disabled may sign up to be on the Permanently Disabled Voter List and receive an absentee ballot application for future all elections.⁹⁴ To join the Permanently Disabled Absentee Voter List, a person must notify the county clerk for the county in which she is registered to vote of her permanent disability status, by **Sept. 23, 2008** in order to be placed on the list for the Nov. 4, 2008 elections. Absentee ballot applications will be sent to individuals who make this request approximately four to ten weeks before an election, and they must be returned by 5:00 p.m. on the Wednesday before the election.⁹⁵ Completed absentee ballots must be received by the election authority by the close of polls on election day. Note - unlike absentee ballots submitted by other voters, absentee ballots submitted by those on the Permanently Disabled Voter List do **not** need to be notarized.

Persons applying for an absentee ballot by mail, fax or through a guardian or relative must have their application **received** by the election authority no later than 5:00 p.m. on the Wednesday prior to the election, or by **Oct, 29, 2008** for the November 2008 elections. Absentee ballot applications submitted in person may be received up until 5:00 p.m. the day before the election.⁹⁶ A person must have been registered by the voter registration deadline in order to vote by absentee ballot.

An intrastate new resident, a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state (typically to a new county), *after* October 8th and otherwise possesses the qualifications to vote, can submit absentee ballot applications in-person at their new jurisdiction up to 7:00 p.m. on the day of the election.⁹⁷

If a person applying for an absentee ballot becomes hospitalized or confined due to illness or injury, or is placed in an adult boarding facility, intermediate care facility, residential care facility or skilled nursing facility, within their election authority's jurisdiction or an adjacent jurisdiction **after** the Wednesday prior to the election, the election authority must send a representative in person to aid the voter in completing their application for an absentee ballot.⁹⁸

When is the deadline for requesting an absentee ballot?

Mailed or faxed absentee ballot requests must be received by the election authority no later than the 5:00 p.m. on the Wednesday before the election – or Wednesday, October 29, 2008. Absentee ballot

applications submitted in person may be received up until 5:00 p.m. the day before the election – or Monday, November 3, 2008.⁹⁹

May a first time voter cast an absentee ballot?

For first time voters, copies of one of the following forms of identification need to be provided to the election authority prior to the issuance of the absentee ballot:

- Identification issued by the state, an agency of the state, or a local election authority;
- Identification issued by the federal government;
- Identification issued by a university, college, vocational school, or technical school located in Missouri;
- A driver's license or state identification card issued by another state.

What steps must a voter take if she requests but does not receive an absentee ballot?

A person can vote absentee in person at election headquarters up to the close of polls on Election Day. Alternatively, a voter who has requested, but has not voted, an absentee ballot, may show up at the polls to cast a regular ballot on election day. The precinct rosters given to poll workers will indicate voters who have received absentee ballots. If a voter's name appears on this list but the voter denies having received or voted absentee, the election judge should contact the election authority to determine whether the voter's absentee ballot has been received. If it has not, voter will be given a regular ballot and asked to complete a consolidated voter affidavit, indicating, "absentee ballot not received."¹⁰⁰

How must voters cast an absentee ballot to ensure it is counted?

Voters should ensure that the form contained on the absentee envelope is complete. If the statements on any ballot envelope have not been completed, the absentee ballot in the envelope will be rejected.¹⁰¹ The absentee ballot affidavit should include the voter's signature that is witnessed by a notary, unless the application falls into an exception. Those who receive absentee ballots pursuant to being on the Permanently Disabled Voter List do not need to have their absentee ballot notarized.

When is the deadline for casting an absentee ballot to ensure it is counted?

Absentee ballots must be received by the election authority by the close of polls, 7 p.m. on Election Day - November 4, 2008.

When will absentee ballots be counted?

Teams of election judges consisting of two from each political party meet on election day at a central location to count absentee ballots. The election authority will deliver the absentee ballots to the teams and include a record of how many ballots delivered to each team, signed by one judge from each political party.¹⁰²

What is the procedure for determining whether the absentee ballot will be counted?

All proper votes on each absentee ballot received by an election authority at or before the closing of the polls on election day will be counted.¹⁰³ No absentee ballot received after the close of polls on election day will be counted. If an absentee voter has died prior to the opening of the polls on election day, that person's absentee ballot will be rejected.

When a ballot is rejected, the sealed ballot envelope and application are placed in an envelope indicating the reason the ballot was rejected. Such ballots are kept until all other ballots are destroyed according to law.¹⁰⁴

If the statements on any ballot envelope have not been completed, the absentee ballot in the envelope will be rejected.¹⁰⁵ But no absentee ballot will be rejected solely for failure of the voter to state on the ballot envelope his reason for voting an absentee ballot.¹⁰⁶

What should a person do if he requested an absentee ballot but wants to vote in person on Election Day?

No person who has already cast an absentee ballot can vote at the polls on election day.¹⁰⁷ Precinct rosters will indicate voters who have submitted absentee ballots and are ineligible to vote at the polls.¹⁰⁸ On election day, election judges are given a list of people who submitted absentee ballots too late to be included on the precinct rosters. If a person has requested an absentee ballot but not yet voted by absentee, he may vote a regular ballot in person at the polls on election day. 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.¹⁰⁹

POLLING PLACE LOCATIONS AND PROCEDURES

What hours are the polls open on Election Day?

The polls are open between 6 a.m. and 7 p.m. Voters have a right to vote if they are in line when the polls close at 7 p.m., regardless of when they actually get processed.¹¹⁰

When is the final list of polling place locations made available to the public?

Under Missouri election law notice of the elections, including polling place locations, must be publicized in one or more newspapers (of differing political affiliations) at least one week prior to the election.¹¹¹

How are decisions about precincts and polling place locations made?

Each election authority will designate polling place locations for each precinct within its jurisdiction.¹¹² Precinct boundaries are established by each election authority, with an effort to draw precinct lines which do not cross political subdivision or special district boundaries.¹¹³

How and when will voters be notified about polling place changes?

Missouri's election law does not set forth a procedure by which voters will be notified of polling place changes, which are left to the discretion of local election authorities. When time permits, voters may be notified by mail. Where a polling place is changed at the last minute, the change will most likely be posted on the polling place building and its surrounding area.

The election authority has unappealable discretion to change polling place location with little justification or notice. Apparently, there are no established standards to determine when polling place relocations are justified and what constitutes effective notice to voters.

The election authority may change precinct boundaries upon notice to affected voters by mail or by publication in a local newspaper.¹¹⁴

What activities are restricted at polling places on Election Day?

In Missouri, exit polling, surveying, electioneering, distributing election literature, posting signs regarding a candidate or an election issue is prohibited in the polling place building or within 25 feet of the polling place. A person committing any of these acts is committing a misdemeanor not connected with voting and may be imprisoned for up to one year and/or fined up to \$2,500.¹¹⁵

What activities are permitted at polling places on Election Day?

Missouri law does not specify which activities are permitted at polling places, but rather spells out what activities are prohibited. Thus, activities, such as campaigning and sign posting, exit polling, surveying, electioneering, nonpartisan voter education, media interviews, etc. should be allowed if conducted at least 25 feet from the polling place.¹¹⁶

Can voters request assistance with voting equipment at the polling place?

Voters have a right to assistance in voting if they cannot read or write English, if they cannot mark the ballot on their own, if they do not understand how the voting system works, if something is

confusing, or if they otherwise need help.¹¹⁷ Voters can request assistance from poll workers (one from each major political party). If voters declare that they cannot read or write, are blind or have any other physical disability and cannot vote their ballots, they may bring any person of their choice (including a child, relative or friend) to assist them. The person does not have to be over 18 or a registered voter. In addition, many jurisdictions have technical specialists to assist and troubleshoot electronic voting machines. They do not process voters, but may help election judges provide assistance to voters. Any official assistance to voters must come from one election judge from each political party.

Can a child/minor enter the voting booth with the voter?

Yes, children under the age of 18 may enter the polling place.¹¹⁸

What accommodations must be made for non-English speakers or persons unable to read?

If a voter declares under oath that she cannot read or write the ballot, she may request assistance from a poll worker or person of her choice. Under Missouri law, a person who asks an election judge to assist her with casting her ballot must be accompanied into the polling booth by election judges from both major political parties.¹¹⁹

In Missouri, the Secretary of State may, but is not required to, provide multilingual voting instructions and/or sample ballots.¹²⁰

What accommodations must be made for voters with disabilities?

The Help America Vote Act of 2002 (HAVA) requires states to have at least one voting machine at each polling place that is accessible to individuals with disabilities, including persons with visual disabilities.¹²¹ Moreover, under Missouri law, each local election authority must designate one central polling place that is accessible to voters who have physical disabilities.¹²²

Voters with disabilities may vote curbside.¹²³ Missouri law requires that at polling places using paper or electronic ballots, two election judges (one from each major political party) must, when time permits, bring a ballot, equipment and necessary materials to a disabled voter who is within 200 feet of the polling place but is unable to enter. After the voter marks the ballot, the election judges are required to seal the ballot in an envelope and place it in the ballot box.¹²⁴ In voting precincts using voting machines, if a disabled voter is within 200 feet of the polling place but is unable to enter the polling place, two election judges (one from each major political party) must, when time permits, take to the voter an absentee ballot.¹²⁵

If the voter is able to enter the polling place but is unable to cast a ballot due to blindness or any other physical disability, the voter may receive assistance from two election judges (one from each major political party) or any other person of her choice.¹²⁶

Upon the request of a disabled voter, the election authority may reassign the voter, her caregiver and members of her household to a different polling place accessible to the voter, provided the candidates and issues at the new polling place are consistent with the former polling place.¹²⁷

If a voter is in line to vote at poll closing time but has not reached the voting machine, may the voter still vote?

Yes. All voters who are at the polls at 7 p.m., including any who are in line, must be permitted to vote.¹²⁸

May voters who have moved to a new address in another precinct but who have not registered at their new address, be allowed to vote at the precinct for their old address?

No. They should vote at the polling place serving their new address. Under Missouri law, a voter who has moved within the same county and has not been removed from the voter rolls may file a change of address with the election authority or at the polling place and may vote at a centralized voting place or at the polling place of her **new** address upon written or oral affirmation by the voter of her new address.¹²⁹

Intrastate new residents who move from one election authority's jurisdiction to another *after* the registration deadline may vote by absentee ballot after registering to vote in their **new** voting jurisdiction.¹³⁰ Those who move to a new county before the registration deadline but who fail to register before the deadline are ineligible to vote.

New residents who move to the state of Missouri *after* the registration deadline may register and vote absentee for presidential and vice presidential electors.¹³¹

Are poll watchers or other non-voters permitted inside the polling place?

Yes. Aside from voters, the following persons may be permitted inside the polls: election authority personnel, election judges, watchers and challengers, law enforcement officials if they are there at the request of election officials or in the line of duty, minor children under the age of eighteen accompanying an adult who is in the process of voting, international observers, persons designated by the election authority to administer a simulated youth election and members of the news media (with proper identification) as long as they do not interfere with the election process.¹³²

May a voter receive time off from work to vote without fear of discipline?

Yes. Any voter may receive up to three hours off from work during the time the polls are open **if** the voter (1) requested time off prior to Election Day **and** (2) the voter would not otherwise have three successive hours off work while the polls are open. An employer can specify which three hours the employee may be absent from work. An employer may not discipline or discharge an employee for taking this time to vote.¹³³

CHALLENGES AND VOTER INTIMIDATION

Can a person's right to vote be challenged at the polls?

Yes, a voter whose identity or qualifications are challenged cannot receive a ballot until her qualifications have been established.¹³⁴ Challenges may only be made when the challenger believes the election laws of this state have been or will be violated.¹³⁵

Who can challenge a person's right to vote at the polls?

A voter's identity or qualifications may be challenged by election authority personnel, any registered voter, or duly authorized challengers. A person whose qualifications are challenged cannot receive a ballot until her qualifications have been established.¹³⁶

Political parties may designate a challenger who may be present at each polling place and location where absentee ballots are being counted.¹³⁷ Each party may also designate a watcher for each location votes are counted, who observe the counting of votes and report any irregularity or law violation to election officials.¹³⁸ If a voter's eligibility is challenged by a credentialed challenger, the election judge will complete a consolidated voter affidavit form indicating that the voter's eligibility has been challenged.

What can a person do if she is challenged at the polls?

Questions concerning a voter's qualifications are made by a majority of election judges. The voter may be asked to execute an affidavit. If judges deny the person a ballot, she may appeal to the election authority or the circuit court.¹³⁹

The fact that a voter's eligibility has been challenged does not necessarily mean that she cannot vote. If the voter's name appears in the precinct roster as an active voter, her information has not changed and if she has identification, she should be issued a regular ballot.

What steps are taken if a voter's name does not appear in the poll book?

Election judges cannot allow a person to cast a regular ballot whose name does not appear on the precinct roster without authorization from the election authority.¹⁴⁰ However, a voter claiming to be properly registered but whose eligibility at that precinct cannot be immediately established upon examination of the precinct register, can vote a provisional ballot after providing a form of personal identification or signing an affidavit.¹⁴¹ If the voter's eligibility cannot be immediately established by examining the precinct register, the poll worker must contact the election authority. If the election authority cannot immediately establish that the voter is registered and eligible to vote at the polling place or if the poll worker is unable to make contact with the election authority or otherwise confirm the voter's correct polling place (i.e., through use of a laptop, palm pilot, and review of the street guide), the voter can cast a provisional ballot. But note, provisional ballots cast at the wrong polling place will NOT count.

What constitutes illegal intimidation of voters at the polls?

In Missouri it is a misdemeanor connected with the right to vote for a person to:

- give, lend, offer, promise or agree to give or lend any money, something of value, or

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- employment to any voter in order to induce that person to vote or not vote;
- to use or threaten to use force, violence or restraint to inflict injury, damage, or loss upon or against any voter in order to induce or compel that person to vote or not vote; or
- to impede or prevent, or attempt to impede or prevent, by abduction, duress, or any fraudulent device compelling, inducing, or prevailing upon any person to vote or not vote.¹⁴²

Likewise, in Missouri it is a misdemeanor not connected with the right to vote for:

- an employer to make, enforce, or attempt to enforce any order, rule, regulation, or any other method or device to prevent an employee from engaging in political activities, solicitation, receiving funds for political purposes, or voting;
- a person to interfere or attempt to interfere with any voter inside the polling place; or
- a person at a registration site, polling place, counting location, or verification location to breach the peace, engage in disorderly conduct, violence, or threats of violence in order to impede or interfere with registration, the election, the ballot count, or the ballot verification process.

If a person commits any of the above acts he or she may be imprisoned for not more than one year and/or fined up to \$2,500.¹⁴³

No person, labor organization, or corporation may coerce, attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting in a particular way. To do so is punishable by up to six months in prison and/or up to \$5,000 fine.¹⁴⁴ Federal law also prohibits voter intimidation. The National Voter Registration Act¹⁴⁵ establishes criminal penalties for election officials who attempt to “intimidate, threaten, or coerce” someone with regard to voter registration or voting and provides a private right of action for injunctive and declaratory relief.¹⁴⁶ In addition, the Voting Rights Act prohibits anyone from “attempting to intimidate, threaten, or coerce” anyone from voting or attempting to vote in federal elections and is enforceable under 42 USC § 1983.¹⁴⁷

Are law enforcement officers allowed in a polling place during voting hours?

Yes. Law enforcement officers are allowed in the polling place during voting hours if they are voting, there at the request of election officials, or there in the line of duty.¹⁴⁸

To whom should a person report acts of intimidation?

Persons who are victims of or witness voter intimidation may contact their county prosecutor.¹⁴⁹

PROVISIONAL BALLOTS

What is a provisional ballot?

A provisional ballot can be cast by a voter whose eligibility cannot be immediately established. It is counted only if the election authority later determines that the voter was actually entitled to vote at that polling place.¹⁵⁰ The Help America Vote Act of 2002 and state law guarantee that a voter be allowed to cast a provisional ballot.

Provisional ballots are identical to a regular ballot except that the words “provisional ballot” are marked on the ballot.¹⁵¹

Who may request a provisional ballot?

A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established is entitled to vote a provisional ballot and may request a provisional ballot.¹⁵²

Why and when will provisional ballots be provided to voters?

A provisional ballot will be provided to voters who lack proper identification, whose names do not appear on the rolls or whose eligibility cannot be established.¹⁵³ The following steps must be taken to determine when a voter should be given a provisional ballot:

1. The poll worker must examine the precinct register (including the inactive voter list). If the voter’s name is not in the book and her eligibility cannot be immediately established, then-
2. The poll worker must contact the election authority. If the election authority cannot immediately establish the voter’s eligibility upon examination of its records and the statewide voter registration database, or if the poll worker is unable to make contact with the election authority and has no other way to determine the voter’s eligibility (through, for example, review of a registration database provided on laptop or palm pilot at the polling place), then the voter will be entitled to a provisional ballot.
3. If the election judge determines that the voter is eligible to vote at another polling place, the voter must be directed to the correct polling place or a central polling place to vote. If the voter refuses to go to the correct polling place or a central polling place, the voter can vote a provisional ballot at the incorrect polling place, but such ballot will not be counted.¹⁵⁴ A Missouri federal district court ruled in 2004 that provisional ballots cast at the wrong polling place were properly rejected so long as the voter was directed to his correct polling place or a central polling place,¹⁵⁵ suggesting that there might be authority to support the counting of provisional ballots cast at the wrong polling place if poll workers fail to direct voters to the correct voting site.

A provisional ballot will also be provided to voters who believe they are eligible and request a provisional ballot. Again, the voter must be directed to the correct polling place, looking up the polling place serving their current residence. If a voter, despite being directed elsewhere, and told that a vote in the wrong polling place will not be counted, insists upon voting at the incorrect polling

place, or if the voter does not want to wait for a check an address check to determine the correct polling place, the voter may vote a provisional ballot. A voter must be entitled to a provisional ballot when the voter's qualifications cannot be immediately established upon examination of the records on file with the election authority. A person will receive a provisional ballot when they have completed a provisional ballot affidavit on the provisional ballot envelope.

What happens when voter casts a provisional ballot?

After the provisional ballot is voted, it is placed and sealed in a special provisional ballot envelope that must be signed by the voter and poll worker. The provisional ballot envelope contains a certificate of eligibility that the voter must complete in its entirety that will be used in determining the voter's eligibility. This information includes the voter's name, last four digits of her social security number, and date of birth. The voter signs the envelope upon oath. The voter may also provide additional information to assist in determining her eligibility.¹⁵⁶

The sealed and completed provisional ballot envelope is placed in the ballot box. The certificate of ballot cards must:

- (A) Reflect the number of provisional envelopes delivered; and
- (B) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

Who decides whether a voter gets a provisional ballot?

The poll worker determines whether to issue a voter a provisional ballot, though state and federal law provide that a voter whose eligibility cannot be immediately established who believes she is eligible is entitled to cast a provisional ballot.

What can a voter do if she requests but does not receive a provisional ballot?

The voter should request to speak with a specialist judge or precinct manager. If that is not successful, the voter can vote at a central polling place, typically election board headquarters.¹⁵⁷

What information must be provided to voters who cast provisional ballots?

At the time an individual casts a provisional ballot, the election judge must provide the voter with the tear-off stub on the provisional ballot envelope, which contains a toll-free telephone number the voter can call two weeks after the election to find out if her provisional ballot was counted. The voter should be informed that she has a right to find out whether her vote was counted, and if the vote was not counted, the reason that it was not counted.¹⁵⁸

How do election officials determine whether a provisional ballot will be counted?

Prior to certification of the election, election officials determine if the voter is registered and entitled to vote and if the vote was properly cast. The provisional ballot gets counted only if the election authority determines that the voter is registered and entitled to vote. Provisional ballots cast in the wrong polling place are not counted (though note, that provisional ballots cast in the wrong precinct, but correct polling place should be counted). If the voter is not registered but is qualified to register for future elections, the affidavit is considered a mail application to register to vote for future elections.¹⁵⁹

If the election authority determines that the voter was not eligible to vote, each rejected provisional envelope must be marked “rejected” with reason for rejection noted. If rejected, a photocopy of the envelope must be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope must be kept as ballot material and the copy of the envelope must be used by the election authority for registration record keeping.

Does the voter who cast a provisional ballot have a right to present evidence or appear before the election officials evaluating whether it will count?

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.¹⁶⁰

When will provisional ballots be counted?

Provisional ballots will be counted prior to certification of the election, two weeks following Election Day.¹⁶¹ Provisional ballots will not be counted until all provisional ballots are determined either eligible or ineligible. All provisional ballots cast by voters, whose eligibility has been verified, must be counted in accordance with the rules governing ballot tabulation.

How can voters find out whether the provisional ballots they cast were counted?

Under the Help America Vote Act of 2002, the Secretary of State must ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.¹⁶² In Missouri, the provisional ballot envelope includes a tear-off stub containing the Secretary of State’s toll-free number that voters can call to confirm the status of their ballots.

Does the voter have a right of appeal?

Missouri law governing provisional balloting does not mention a right of appeal of a rejected provisional ballot. The Help America Vote Act, which establishes requirements for provisional voting, likewise is silent on a specific right of an individual to appeal a rejected provisional ballot, only mentioning the right of the individual to access information about whether his provisional ballot was accepted or denied and why it was rejected.

ENDNOTES

- 1 Mo. Ann. Stat. §§ 115.133(1) and (3) (2008).
- 2 Mo. Ann. Stat. § 115.133(1).
- 3 Mo. Ann. Stat. § 115.133(2), see see Mo CONST. Art. 8 §2.
- 4 Mo. Ann. Stat. § 115.135(1).
- 5 Mo. Ann. Stat. § 115.151(1).
- 6 Mo. Ann. Stat. §§ 115.135(1) and 115.275(2).
- 7 “Election authority” is the county clerk, except in cities or counties that have a board of election commissioners, and in that case the board of election commissioners will be the “election authority.” Mo. Ann. Stat. § 115.015.
- 8 Mo. Ann. Stat. §§ 115.135(1) and 115.275(3).
- 9 Mo. Ann. Stat. §§ 115.135(1) and 115.275(4).
- 10 Mo. Ann. Stat. § 115.277(3) and (5).
- 11 Mo. Ann. Stat. § 115.277(4) .
- 12 Mo. Ann. Stat. §§ 115.135; .
- 13 Mo. Ann. Stat. § 115.159(1).
- 14 Mo. Ann. Stat. § 115.160: “All Missouri driver’s license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver’s license, renewal of driver’s license, change of address, duplicate request and a nondriver’s license.”
- 15 There is litigation pending alleging that Missouri has violated the NVRA, 42 U.S.C. §1973gg, by failing to make voter registration forms sufficiently available in state public assistance offices. See ACORN v. Scott, (No. 2:08-cv-04084) (W.D. Mo, filed April 23, 2008). A federal court has issued a preliminary injunction in the matter, ordering public assistance agencies to take steps to ensure that voter registration is readily available.
- 16 Mo. Ann. Stat. § 115.162(1).
- 17 Mo. Ann. Stat. § 115.159(1).
- 18 42 U.S.C. §1973gg-5(3).
- 19 Mo. Ann. Stat. §115.140
- 20 Mo. Ann. Stat. § 115.162(2).
- 21 Mo. Ann. Stat. § 115.161.
- 22 Mo. Ann. Stat. § 115.162(2) and § 115.151(3).
- 23 Mo. Ann. Stat. § 115.158.5(1)
- 24 Help America Vote Act of 2002 (HAVA), 42 U.S.C. § 15843(a)(5); Mo. Ann. Stat. §§ 115.155(1), 115.158(5).
- 25 Mo. Ann. Stat. §§ 115.155(1).
- 26 Mo. Ann. Stat. § 115.159(1) and (2).
- 27 Mo. Ann. Stat. § 115.159(2).
- 28 See Mo. Ann. Stat. § 115.159(2), as amended by SB 1014 (2006).
- 29 Mo. Ann. Stat. § 115.159(3).
- 30 Mo. Ann. Stat. § 115.159(3). Note, the above requirement does not apply to the following persons : absentee voters who are exempt from obtaining a notary seal or signature on their absentee ballots; absentee voters who are entitled to vote under the Uniformed and Overseas Citizens Absentee Voting Act; electors who are not required to vote in person under the Voting Accessibility for the Elderly and Handicapped Act; and electors who are otherwise not required to vote in person under any other federal law. Mo. Ann. Stat. §§ 115.159(3).
- 31 “Mail-in” is not defined in Missouri’s election law.
- 32 Mo. Ann. Stat. § 115.155(3) and (4)
- 33 Mo. Ann. Stat. §115.203(4), as amended by SB 1014 (2006)
- 34 Mo. Ann. Stat. §115.205(1)
- 35 Mo. Ann. Stat. §115.203(1), (2)
- 36 Mo. Ann. Stat. § 115.155(3) and (4)
- 37 42 U.S.C. § 1973gg-6(a)(2)
- 38 Mo. Ann. Stat.. § 115.155(3), (4).
- 39 Mo. Ann. Stat. § 115.155(3) and (4)
- 40 According to several conversations with Ben Hovland, counsel, Missouri Secretary of State’s Office with Advancement Project’s Missouri attorney Denise Lieberman, June-July 2008.

- 41 Mo. Ann. Stat. § 115.155 (4)
42 According to several conversations with Ben Hovland, counsel, Missouri Secretary of State's Office with
Advancement Project's Missouri attorney Denise Lieberman, June-July 2008.
43 Mo. Ann. Stat. § 115.155 (4)
44 Mo. Ann. Stat. §115.219
45 Mo. Ann. Stat. § 115.155 (4)
46 Mo. Ann. Stat.. § 115.135(2).
47 Mo. Ann. Stat.. § 115.135(2).
48 Mo. Ann. Stat. § 115.427(1).
49 Mo. Ann. Stat. § 115.427(13).
50 Mo. Ann. Stat. § 115.427(13).
51 *Weinschenk v. State*, 203 S.W.3d 201 (Mo. 2006)
52 *Crawford v. Marion County Election Board*, 553 U.S. ____ (2008).
53 Mo. Ann. Stat. § 115.159(3)
54 Mo. Ann. Stat. § 115.159(3)
55 Mo. Ann. Stat. § 115.430.(2)
56 Mo. Ann. Stat. § 115.159.(2)
57 Mo. Ann. Stat. § 115.430.(2)
58 *Hawkins v. Blunt*, No. 04-4177-cv-C-RED (W.D. Mo. Oct. 12, 2004).
59 Mo. Ann. Stat. § 115.158
60 Mo. Ann. Stat. §§ 115.193, 115.195, 155.199, 115.158(4)(1)
61 Mo. Ann. Stat. § 115.158(4)
62 Mo. Ann. Stat. § 115.193(5).
63 Mo. Ann. Stat. § 115.193(6).
64 Missouri election law does not specify what amounts to “sufficient information.” However, a consent decree
obtained by the U.S. Department of Justice in August 2002 for the City of St. Louis states that the election
authority may determine whether an inactive voter is eligible to vote by either (1) receiving a telephone
call from an election judge, (2) upon examination of the voter's completed Consolidated Voters Affidavit,
(3) change of address form, or (4) Authorization to Vote at Precinct form. See *U.S. v. Bd. of Election
Commissioners for the City of St. Louis*, Consent Order at Appendix A, available as VR-MO-0025-0001 at:
<http://clearinghouse.wustl.edu>.
65 Mo. Ann. Stat. § 115.193(5).
66 Mo. Ann. Stat. § 115.165.
67 Mo. Ann. Stat. § 115.199.
68 Mo. Ann. Stat. § 115.195(2).
69 Mo. Ann. Stat. § 115.133(2).
70 Mo. Ann. Stat. § 115.133(2).
71 Mo. Ann. Stat. § 115.197.
72 Mo. Const. Art. 8, § 2.
73 Mo. Ann. Stat. § 115.195(3).
74 Mo. Ann. Stat. § 115.199.
75 *Mo Protection and Advocacy Services et al v. Carnahan*, 499 F.3d 803 (8th Cir. 2007), appeal of *Prye v.
Carnahan*, No. 04-4248-CV-C-ODS, 2006 WL 1888639 (W.D.Mo. July 7, 2006).
76 Mo. Ann. Stat. § 115.219.
77 Mo. Ann. Stat. § 115.193(4).
78 Mo. Ann. Stat. § 115.171.
79 Mo. Ann. Stat. § 115.157(2).
80 Mo. Ann. Stat. §§ 115.163(1) and (3), 115.157(2).
81 Mo. Ann. Stat. § 115.158(6)
82 Mo. Ann. Stat. § 115.157.
83 Mo. Ann. Stat. § 115.277(1).
84 Mo. Ann. Stat. § 115.277(2).
85 Mo. Ann. Stat. § 115.275.
86 Mo. Ann. Stat. § 115.292.

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- 87 Mo. Ann. Stat. § 115.277(3)
- 88 Mo. Ann. Stat. § 115.277(4) and (5).
- 89 Mo. Ann. Stat. § 115.279(1). Immediate family means “a relative within the second degree of consanguinity or affinity.” Id.
- 90 Mo. Ann. Stat. § 115.279(2).
- 91 Mo. Ann. Stat. § 115.279(2).
- 92 Mo. Ann. Stat. § 115.279(2).
- 93 Mo. Ann. Stat. § 115.279(4).
- 94 Mo. Ann. Stat. § 115.284; More information available at: www.movoteathome.org
- 95 Mo. Ann. Stat. § 115.284; More information available at: www.movoteathome.org
- 96 Mo. Ann. Stat. § 115.279(3).
- 97 Mo. Ann. Stat. § 115.279(6) and (8).
- 98 Mo. Ann. Stat. § 115.287(2).
- 99 Mo. Ann. Stat. § 115.279(3).
- 100 Mo. Ann. Stat. § 115.297.
- 101 Mo. Ann. Stat. § 115.295(2).
- 102 Mo. Ann. Stat. § 115.299.
- 103 Mo. Ann. Stat. § 115.293(1).
- 104 Mo. Ann. Stat. § 115.293(2).
- 105 Mo. Ann. Stat. § 115.295(2).
- 106 Mo. Ann. Stat. § 115.294.
- 107 Mo. Ann. Stat. § 115.297.
- 108 Mo. Ann. Stat. § 115.297.
- 109 Mo. Ann. Stat. § 115.297.
- 110 Mo. Ann. Stat. § 115.407
- 111 Mo. Ann. Stat. § 115.127(2).
- 112 Mo. Ann. Stat. § 115.115(1).
- 113 Mo. Ann. Stat. § 115.113(1).
- 114 Mo. Ann. Stat. § 115.113(1).
- 115 Mo. Ann. Stat. § 115.637(18).
- 116 Mo. Ann. Stat. § 115.637(18).
- 117 Mo. Ann. Stat. § 115.445(3).
- 118 Mo. Ann. Stat. § 115.409.
- 119 Mo. Ann. Stat. § 115.445(3).
- 120 Mo. Ann. Stat. §§ 115.417 and 115.419.
- 121 42 U.S.C. § 15481(a)(3).
- 122 Mo. Ann. Stat. §§ 115.115(5), 115.436(3).
- 123 Mo. Ann. Stat. § 115.436.
- 124 Mo. Ann. Stat. § 115.436(1).
- 125 Mo. Ann. Stat. § 115.436(2).
- 126 Mo. Ann. Stat. § 115.445(3).
- 127 Mo. Ann. Stat. § 115.436(3).
- 128 Mo. Ann. Stat. § 115.407.
- 129 Mo. Ann. Stat. § 115.165(2).
- 130 Mo. Ann. Stat. § 115.277(4).
- 131 Mo. Ann. Stat. § 115.277(3) and (5).
- 132 Mo. Ann. Stat. § 115.409.
- 133 Mo. Ann. Stat. § 115.639(1).
- 134 Mo. Ann. Stat. § 115.429(2).
- 135 Mo. Ann. Stat. § 115.105(2)
- 136 Mo. Ann. Stat. § 115.429(2).
- 137 Mo. Ann. Stat. § 115.105(1).
- 138 Mo. Ann. Stat. § 115.107(1).
- 139 Mo. Ann. Stat. § 115.429(3).

- 140 Mo. Ann. Stat. § 115.425.
- 141 Mo. Ann. Stat. § 115.430.
- 142 Mo. Ann. Stat. § 115.635(1), (2), and (3).
- 143 Mo. Ann. Stat. § 115.637(6), (16) and (17).
- 144 Mo. Ann. Stat. § 130.028.
- 145 42 USC § 1973gg10(1)(A).
- 146 42 USC § 1973gg9(b)(2).
- 147 42 USC § 1971(b).
- 148 Mo. Ann. Stat. §§ 115.059 and 115.409.
- 149 Mo. Ann. Stat. §§ 115.631 – 115.637.
- 150 Mo. Ann. Stat. § 115.430(2).
- 151 SB 1014 (2006).
- 152 Mo. Ann. Stat. § 115.430(2)
- 153 Mo. Ann. Stat. § 115.430; see HAVA, §302(a).
- 154 Mo. Ann. Stat. § 115.430(2).
- 155 Hawkins v. Blunt, No. 04-4177-cv-C-RED (W.D. Mo. Oct. 12, 2004).
- 156 Mo. Ann. Stat. § 115.430(3).
- 157 Mo. Ann. Stat. § 115.430(2).
- 158 Mo. Ann. Stat. § 115.430(8); HAVA, §302(a)(5).
- 159 Mo. Ann. Stat. § 115.430(5).
- 160 Mo. Ann. Stat. § 115.430(4).
- 161 Mo. Ann. Stat. § 115.430(6).
- 162 Mo. Ann. Stat. § 115.430(13).