

FIRST REGULAR SESSION

# SENATE BILL NO. 145

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 31, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0822S.011

## AN ACT

To repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.205 and 115.631, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 115.148, 115.205,  
3 and 115.631, to read as follows:

115.148. 1. Each individual who requests fifty or more voter  
2 registration applications from the secretary of state and who is not a  
3 deputy registration official, whether such person is making the request  
4 on his or her own behalf or on behalf of a group, organization, or some  
5 other entity, shall be at least eighteen years of age and shall submit the  
6 information required by subsection 2 of section 115.205 before receiving  
7 the applications. The secretary of state shall keep this information on  
8 file with the number of the voter registration applications supplied to  
9 that individual.

10 2. Any person who knowingly signs any name other than their  
11 own to any voter registration application shall be guilty of a class one  
12 election offense.

13 3. The secretary of state shall make available to persons making  
14 a request for voter registration applications a computer-based  
15 registration training or other registration training in a manner  
16 prescribed by the secretary of state. If a request is made on behalf of  
17 a group or organization, the training shall be made available to each  
18 person who will distribute the voter registration applications provided  
19 to that group or organization.

115.205. 1. Any person who is paid or otherwise compensated for

2 soliciting more than ten voter registration applications, other than a  
3 governmental entity or a person who is paid or compensated by a governmental  
4 entity for such solicitation, shall be registered with the secretary of state as a  
5 voter registration solicitor. A voter registration solicitor shall register for every  
6 election cycle that begins on the day after the general election and ends on the  
7 day of the general election two years later. A voter registration solicitor shall be  
8 at least eighteen years of age and shall be a registered voter in the state of  
9 Missouri.

10           2. Each voter registration solicitor shall provide the following information  
11 in writing to the secretary of state's office **on a form prescribed by the**  
12 **secretary of state:**

13           (1) The name of the voter registration solicitor;

14           (2) The residential address, including street number, city, state, and zip  
15 code;

16           (3) The mailing address, if different from the residential address;

17           (4) Whether the voter registration solicitor expects to be paid for soliciting  
18 voter registrations;

19           (5) If the voter registration solicitor expects to be paid, the identity of the  
20 payor; or

21           (6) **Whether the voter registration solicitor is acting on behalf of**  
22 **a group or organization;**

23           (7) **If the voter registration solicitor is acting on behalf of a**  
24 **group or organization, the identity of the group or organization; and**

25           (8) The signature of the voter registration solicitor.

26           3. The solicitor information required in subsection 2 of this section shall  
27 be submitted to the secretary of state's office with the following oath and  
28 affirmation:

29 "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL  
30 STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

31           4. Any voter registration solicitor who knowingly fails to register with the  
32 secretary of state **or who falsely swears to the above oath or affirmation**  
33 **knowing it to be false** is guilty of a class three election offense. Voter  
34 registration applications shall be accepted by the election authority if such  
35 applications are otherwise valid, even if the voter registration solicitor who  
36 procured the applications fails to register with or submits false information to the  
37 secretary of state.

115.631. The following offenses, and any others specifically so described  
2 by law, shall be class one election offenses and are deemed felonies connected  
3 with the exercise of the right of suffrage. Conviction for any of these offenses  
4 shall be punished by imprisonment of not more than five years or by fine of not  
5 less than two thousand five hundred dollars but not more than ten thousand  
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement  
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and  
9 sections 51.450 and 51.460, RSMo, including but not limited to statements  
10 specifically required to be made "under penalty of perjury"; or in any other  
11 manner knowingly furnishing false information to an election authority or  
12 election official engaged in any lawful duty or action in such a way as to hinder  
13 or mislead the authority or official in the performance of official duties. **Any**  
14 **other provision in this section notwithstanding**, if an individual willfully  
15 and falsely makes any certificate, affidavit, or statement required to be made  
16 under section 115.155, including but not limited to statements specifically  
17 required to be made "under penalty of perjury", such individual shall be guilty of  
18 a class C felony, **except that an individual who knowingly signs any name**  
19 **other than his or her own to any voter registration application shall be**  
20 **guilty of a class B felony. Any other provision in this section**  
21 **notwithstanding, if an individual furnishes identification to an election**  
22 **official in order to cast a ballot as required under section 115.427 with**  
23 **the knowledge that such identification is false, such individual shall be**  
24 **guilty of a class B felony;**

25 (2) Voting more than once or voting at any election knowing that the  
26 person is not entitled to vote or that the person has already voted on the same  
27 day at another location inside or outside the state of Missouri;

28 (3) Procuring any person to vote knowing the person is not lawfully  
29 entitled to vote or knowingly procuring an illegal vote to be cast at any election;

30 (4) Applying for a ballot in the name of any other person, whether the  
31 name be that of a person living or dead or of a fictitious person, or applying for  
32 a ballot in his own or any other name after having once voted at the election  
33 inside or outside the state of Missouri;

34 (5) Aiding, abetting or advising another person to vote knowing the person  
35 is not legally entitled to vote or knowingly aiding, abetting or advising another  
36 person to cast an illegal vote;

37 (6) An election judge knowingly causing or permitting any ballot to be in  
38 the ballot box at the opening of the polls and before the voting commences;

39 (7) Knowingly furnishing any voter with a false or fraudulent or bogus  
40 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a  
41 vote which will be rejected, or otherwise defrauding him of his vote;

42 (8) An election judge knowingly placing or attempting to place or  
43 permitting any ballot, or paper having the semblance of a ballot, to be placed in  
44 a ballot box at any election unless the ballot is offered by a qualified voter as  
45 provided by law;

46 (9) Knowingly placing or attempting to place or causing to be placed any  
47 false or fraudulent or bogus ballot in a ballot box at any election;

48 (10) Knowingly removing any legal ballot from a ballot box for the purpose  
49 of changing the true and lawful count of any election or in any other manner  
50 knowingly changing the true and lawful count of any election;

51 (11) Knowingly altering, defacing, damaging, destroying or concealing any  
52 ballot after it has been voted for the purpose of changing the lawful count of any  
53 election;

54 (12) Knowingly altering, defacing, damaging, destroying or concealing any  
55 poll list, report, affidavit, return or certificate for the purpose of changing the  
56 lawful count of any election;

57 (13) On the part of any person authorized to receive, tally or count a poll  
58 list, tally sheet or election return, receiving, tallying or counting a poll list, tally  
59 sheet or election return the person knows is fraudulent, forged or counterfeit, or  
60 knowingly making an incorrect account of any election;

61 (14) On the part of any person whose duty it is to grant certificates of  
62 election, or in any manner declare the result of an election, granting a certificate  
63 to a person the person knows is not entitled to receive the certificate, or declaring  
64 any election result the person knows is based upon fraudulent, fictitious or illegal  
65 votes or returns;

66 (15) Willfully destroying or damaging any official ballots, whether marked  
67 or unmarked, after the ballots have been prepared for use at an election and  
68 during the time they are required by law to be preserved in the custody of the  
69 election judges or the election authority;

70 (16) Willfully tampering with, disarranging, altering the information on,  
71 defacing, impairing or destroying any voting machine or marking device after the  
72 machine or marking device has been prepared for use at an election and during

73 the time it is required by law to remain locked and sealed with intent to impair  
74 the functioning of the machine or marking device at an election, mislead any  
75 voter at the election, or to destroy or change the count or record of votes on such  
76 machine;

77 (17) Registering to vote knowing the person is not legally entitled to  
78 register or registering in the name of another person, whether the name be that  
79 of a person living or dead or of a fictitious person;

80 (18) Procuring any other person to register knowing the person is not  
81 legally entitled to register, or aiding, abetting or advising another person to  
82 register knowing the person is not legally entitled to register;

83 (19) Knowingly preparing, altering or substituting any computer program  
84 or other counting equipment to give an untrue or unlawful result of an election;

85 (20) On the part of any person assisting a blind or disabled person to vote,  
86 knowingly failing to cast such person's vote as such person directs;

87 (21) On the part of any registration or election official, permitting any  
88 person to register to vote or to vote when such official knows the person is not  
89 legally entitled to register or not legally entitled to vote;

90 (22) On the part of a notary public acting in his official capacity,  
91 knowingly violating any of the provisions of sections 115.001 to 115.627 or any  
92 provision of law pertaining to elections;

93 (23) Violation of any of the provisions of sections 115.275 to 115.303, or  
94 of any provision of law pertaining to absentee voting. **Any other provision in**  
95 **this section notwithstanding, if an individual willfully and falsely**  
96 **completes the certificate, affidavit, statement, or ballot of another**  
97 **individual under the provisions of sections 115.283 and 115.284,**  
98 **including but not limited to statements specifically required to be made**  
99 **under penalty of perjury, such individual shall be guilty of a class B**  
100 **felony;**

101 (24) Assisting a person to vote knowing such person is not legally entitled  
102 to such assistance, or while assisting a person to vote who is legally entitled to  
103 such assistance, in any manner coercing, requesting or suggesting that the voter  
104 vote for or against, or refrain from voting on any question, ticket or candidate;

105 (25) Engaging in any act of violence, destruction of property having a  
106 value of five hundred dollars or more, or threatening an act of violence with the  
107 intent of denying a person's lawful right to vote or to participate in the election  
108 process; and

109 (26) Knowingly providing false information about election procedures for  
110 the purpose of preventing any person from going to the polls.

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