

FIRST REGULAR SESSION

SENATE BILL NO. 523

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1274S.011

AN ACT

To repeal sections 115.435, 115.491, and 115.493, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and an effective date for a certain section.

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

Section A. Sections 115.435, 115.491, and 115.493, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 115.274,
3 115.426, 115.435, 115.491, and 115.493, to read as follows:

115.274. 1. Any registered voter of this state may vote by
2 advance ballot in person at the office of each election authority having
3 jurisdiction over the boundaries within which the voter resides. The
4 advance voting period shall begin the second Monday prior to the
5 election and shall be conducted from 8:00 a.m until 5:00 p.m. each day
6 until the Monday immediately preceding the election with the
7 exception of Sunday.

8 2. The election authority shall provide adequate public notice of
9 the advance voting location including but not limited to posting this
10 information at the election authority's office, on the web site of the
11 election authority, and by such other methods as the election authority
12 may select.

13 3. The election authority shall appoint at least one judge from
14 each major political party to serve at the site and no major political
15 party shall have a majority of the judges at any site.

16 4. Except as otherwise required by this chapter, procedures for
17 casting an advance ballot in person shall be the same as the procedures

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 contained in sections 115.407 to 115.445.

19 5. Procedures for counting advance ballots shall be the same as
20 the procedures contained in sections 115.447 to 115.525.

21 6. This section shall not affect the election authority's ability to
22 appoint bipartisan teams to deliver absentee ballots under section
23 115.287.

24 7. The election judge shall not allow any person who has voted
25 an advance ballot in the election to vote at the polls on election day. If
26 it is determined that any voter submitted an advance ballot and voted
27 at the polls on election day:

28 (1) Such person, having voted more than once, is guilty of a class
29 one election offense pursuant to subdivision (2) of section 115.631;

30 (2) The election authority shall certify that fact and the name of
31 the voter to the verification board. Such certificate shall be included
32 with the abstracts drawn by the verification board.

33 8. This section shall become effective January 1, 2010.

115.426. 1. Persons who do not provide personal identification
2 containing a photograph to identify themselves under section 115.427
3 shall have a photographic or digital image taken of them prior to
4 voting which shall be affixed to an affidavit signed by the voter
5 whereby the voter shall aver that the voter is the person listed in the
6 precinct register. "Personal identification containing a photograph"
7 shall mean only one of the following:

8 (1) Nonexpired Missouri driver's license showing the name and
9 a photograph or digital image of the individual; or

10 (2) Nonexpired or nonexpiring Missouri nondriver's license
11 showing the name and a photographic or digital image of the
12 individual; or

13 (3) A document that satisfies all of the following requirements:

14 (a) The document contains the name of the individual to whom
15 the document was issued, and the name substantially conforms to the
16 most recent signature in the individual's voter registration record;

17 (b) The document shows a photographic or digital image of the
18 individual;

19 (c) The document includes an expiration date, and the document
20 is not expired, or if expired, expired not before the date of the most
21 recent general election; and

22 (d) The document was issued by the United States or the state of
23 Missouri; or

24 (4) Any identification containing a photographic or digital image
25 of the individual which is issued by the Missouri National Guard, the
26 United States armed forces, or the United States Department of Veteran
27 Affairs to a member or former member of the Missouri National Guard
28 or the United States armed forces and that does not have an expiration
29 date.

30 2. The affidavit to be used under subsection 1 of this section
31 shall be substantially in the following form:

32 "State of

33 County of

34 I do solemnly swear (or affirm) under penalty of perjury, a felony, that
35 my name is; that I reside at
36; and that I am the person listed in the precinct
37 register under this name and at this address. I understand that
38 knowingly providing false information is a violation of law and subjects
39 me to possible criminal prosecution.

40

41 Signature of voter

42 Subscribed and affirmed before me this day of, 20....

43

44 Signature of election official"

45 3. The affidavits required under subsection 1 of this section shall
46 be transferred, stored, and destroyed as prescribed by sections 115.491
47 and 115.493.

48 4. All costs relating to the administration of this section shall be
49 paid by the state.

115.435. After initialing the voter's identification certificate and after
2 completing any procedures required by [section] sections 115.433 and 115.274,
3 the election judges shall allow the voter to proceed to the voting booth and vote.

115.491. 1. Except as otherwise expressly provided in this subchapter,
2 the two supervisory judges, one from each major political party, shall return the
3 voted ballots, the ballots marked "REJECTED", "SPOILED", and "DEFECTIVE",
4 the tally sheets, tally books and statements of returns, the registration records,
5 affidavits required under 115.274, and other election supplies from each
6 polling place to the election authority as soon as possible, but in no case later

7 than two hours after the signing of the returns at the polling place. The election
8 authority shall keep its office open until all ballots, returns and other election
9 materials have been received. If any voted ballot container is not sealed, the
10 election authority shall make a written statement of the facts which includes the
11 location of the polling place and date of the election printed on the container and
12 the reason the container is not sealed, if known.

13 2. If the election authority directs the voted ballots to be returned in a
14 ballot box, one supervisory judge shall return the ballot box, one set of tally
15 sheets and one statement of returns. The other supervisory judge shall return
16 the keys to the ballot box, the tally book, the other set of tally sheets and the
17 other statement of returns. If the election authority directs the voted ballots or
18 write-in votes to be returned in sacks or other containers, one supervisory judge
19 shall return the containers of voted ballots, one set of tally sheets and one
20 statement of returns. The other supervisory judge shall return the other set of
21 tally sheets and the other statement of returns.

115.493. The election authority shall keep all voted ballots, ballot cards,
2 processed ballot materials in electronic form and write-in forms, **affidavits**
3 **required under section 115.274**, and all applications, statements, certificates,
4 affidavits and computer programs relating to each election for twelve months
5 after the date of the election. During the time that voted ballots, ballot cards,
6 processed ballot materials in electronic form and write-in forms, **and affidavits**
7 **required under section 115.274** are kept by the election authority, it shall not
8 open or inspect them or allow anyone else to do so, except upon order of a
9 legislative body trying an election contest, a court or a grand jury. After twelve
10 months, the ballots, ballot cards, processed ballot materials in electronic form,
11 write-in forms, **affidavits required under section 115.274**, applications,
12 statements, certificates, affidavits and computer programs relating to each
13 election may be destroyed. If an election contest, grand jury investigation or civil
14 or criminal case relating to the election is pending at the time, however, the
15 materials shall not be destroyed until the contest, investigation or case is finally
16 determined.

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