

SECOND REGULAR SESSION

# SENATE BILL NO. 651

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DAYS AND BRAY.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3768S.01I

## AN ACT

To repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to advance voting, 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Section A. Sections 115.275 and 115.289, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.275, 115.276, and 115.289, to read as follows:

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304, **except the advance ballots a person is authorized to cast in accordance with section 115.276;**

(2) "Advance ballot", any of the ballots a person is authorized to cast in accordance with section 115.276;

(3) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

[(3)] (4) "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 after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

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

18           ~~[(4)]~~ **(5)** "New resident", a person who moves to this state after the last  
19 date authorized in this chapter to register to vote in any presidential election;

20           ~~[(5)]~~ **(6)** "Overseas voter" includes:

21           (a) An absent uniformed services voter who, by reason of active duty or  
22 service is absent from the United States on the date of the election involved;

23           (b) A person who resides outside the United States and is qualified to vote  
24 in the last place in which the person was domiciled before leaving the United  
25 States; or

26           (c) A person who resides outside the United States and (but for such  
27 residence) would be qualified to vote in the last place in which the person was  
28 domiciled before leaving the United States;

29           ~~[(6)]~~ **(7)** "Persons in federal service" includes:

30           (a) Members of the armed forces of the United States, while in active  
31 service, and their spouses and dependents;

32           (b) Active members of the merchant marine of the United States and their  
33 spouses and dependents;

34           (c) Civilian employees of the United States government working outside  
35 the boundaries of the United States, and their spouses and dependents;

36           (d) Active members of religious or welfare organizations assisting  
37 servicemen, and their spouses and dependents;

38           (e) Persons who have been honorably discharged from the armed forces  
39 or who have terminated their service or employment in any group mentioned in  
40 this section within sixty days of an election, and their spouses and dependents.

**115.276. 1. Any registered voter of this state may vote by**  
2 **advance ballot in person at a central voting location in the jurisdiction**  
3 **in which the voter is registered or at other sites authorized by this**  
4 **section. The advance voting period shall begin the third Wednesday**  
5 **prior to an election.**

6           **2. All election authorities shall conduct advance voting at a**  
7 **central voting location designated by the election authority until close**  
8 **of regular business hours on the Wednesday immediately prior to the**  
9 **election.**

10           **3. For all federal elections and for all such other elections as the**  
11 **election authority shall designate, the election authority shall establish**  
12 **sites other than the central voting location as additional sites in which**  
13 **to vote by advance ballot in person beginning the third Wednesday**

14 prior to the election and ending at the close of regular business hours  
15 on the Wednesday prior to the election as follows:

16 (1) In addition to conducting advance voting at the central  
17 voting location, any jurisdiction shall provide a satellite site for every  
18 fifty thousand registered voters in that jurisdiction, except that no  
19 election authority shall provide more than six such satellites to conduct  
20 advance voting;

21 (2) In addition to conducting advance voting at the central  
22 voting location, any jurisdiction with less than fifty thousand  
23 registered voters may provide satellite sites, except that no election  
24 authority shall provide more than six such satellites to conduct  
25 advance voting;

26 (3) For purposes of this section, the number of registered voters  
27 shall be determined by the number of registered voters in each  
28 jurisdiction in the previous general election;

29 (4) In determining the location of the satellite sites, the election  
30 authority shall consider factors including but not limited to the  
31 geographic location and demographics of registered voters in the  
32 previous general election and current United States census data to  
33 ensure nondiscrimination in the representation of the community  
34 served to the greatest extent possible;

35 (5) The election authority shall provide adequate public notice  
36 of the designated central voting location and the satellite sites  
37 including but not limited to posting this information at the election  
38 authority's office, on the website of the election authority, and by such  
39 other methods as the election authority may select. The location of a  
40 satellite site may be changed to a different location during the advance  
41 voting period. The election authority shall provide adequate public  
42 notice of any change including but not limited to posting this  
43 information at the election authority's office, at the original location of  
44 the satellite site, on the website of the election authority, and by such  
45 other methods as the election authority may select;

46 (6) The election authority shall appoint at least one judge from  
47 each major political party to serve at each satellite site. No major  
48 political party shall have a majority of the judges at any satellite site.  
49 No established party shall have a greater number of judges at any  
50 satellite than any major political party.

51           4. The hours for advance voting shall be regular business hours  
52 as required by section 115.057, and shall include Saturday until 12:00  
53 p.m. Regular business hours shall not begin earlier than 7:00 a.m. nor  
54 shall they extend beyond 7:00 p.m.

55           5. Except as otherwise required by this chapter, procedures for  
56 casting an advance ballot in person shall be the same as the procedures  
57 contained in sections 115.407 to 115.445.

58           6. Procedures for counting advance ballots shall be the same as  
59 the procedures contained in sections 115.447 to 115.525.

60           7. This section shall not affect the election authority's ability to  
61 appoint bipartisan teams to deliver absentee ballots under section  
62 115.287.

63           8. The election judge shall not allow any person who has voted  
64 an advance ballot in the election to vote at the polls on election day. If  
65 it is determined that any voter submitted an advance ballot and voted  
66 at the polls on election day:

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

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

72           9. This section shall become effective January 1, 2011.

73           10. All costs associated with the implementation of advance  
74 voting as authorized by this section shall be paid from the general  
75 revenue of the state of Missouri.

115.289. 1. [Except as provided in subsection 3 of this section, as  
2 applications for absentee ballots are received, the election authority shall list the  
3 name, voting address and mailing address, if different, of each applicant. Any  
4 person authorized under subsection 2 of this section may copy the list, and the  
5 election authority may make copies of the list available to such persons for a  
6 reasonable fee determined by the election authority.] **Any person who**  
7 **knowingly discloses confidential information in violation of this section**  
8 **shall be guilty of a class four election offense.**

9           2. Except as provided in subsection 4 of this section, all lists of  
10 applications for absentee ballots **or information listed pursuant to this**  
11 **section with regard to voters who cast an advance ballot** shall be kept  
12 confidential to the extent that such lists [of applications] shall not be posted or

13 displayed in any area open to the general public, nor shall such lists [of  
14 applications] be shown to any person who is not entitled to see such lists [of  
15 applications], either pursuant to the provisions of this chapter or any other  
16 provisions of law. [Persons entitled to see such lists shall include a candidate or  
17 a duly authorized representative of a campaign committee as defined in section  
18 130.011, RSMo, or any person with written authorization from a candidate, or any  
19 person that has applied for an absentee ballot.]

20         3. [In each city not within a county, in each county of the first  
21 classification having a population of more than nine hundred thousand  
22 inhabitants, in each county of the first classification containing the major portion  
23 of a city which has over three hundred thousand inhabitants, and in that portion  
24 of each city which has over three hundred thousand inhabitants and located in  
25 more than one county, situated in the county containing the major portion of the  
26 city,] As applications for absentee ballots are received **or advance ballots are**  
27 **cast**, the election authority shall list the name, voting address and mailing  
28 address, if different, of each applicant **and of each voter who casts an**  
29 **advance ballot**. Prior to 8:00 a.m. on the Friday before an election all absentee  
30 ballot applications, lists of absentee ballot applications, [or] any information  
31 contained on the absentee ballot applications, **or any information listed**  
32 **pursuant to this section with regard to voters who cast an advance**  
33 **ballot** shall be kept confidential. Use of the applications, lists or information  
34 contained thereon by the election authority prior to 8:00 a.m. on the Friday before  
35 an election for purposes other than processing absentee ballots shall be deemed  
36 a class one election offense. After 8:00 a.m. on the Friday before an election any  
37 person authorized under subsection 4 of this section may copy the list, and the  
38 election authority may make copies of the list available to such persons for a  
39 reasonable fee determined by the election authority.

40         4. [In each city not within a county, in each county of the first  
41 classification having a population of more than nine hundred thousand  
42 inhabitants, in each county of the first classification containing the major portion  
43 of a city which has over three hundred thousand inhabitants, and in that portion  
44 of each city which has over three hundred thousand inhabitants and located in  
45 more than one county, situated in the county containing the major portion of the  
46 city,] After 8:00 a.m. on the Friday before an election, all lists of applications for  
47 absentee ballots **or information listed pursuant to this section with**  
48 **regard to voters who cast an advance ballot** shall be kept confidential to

49 the extent that such lists [of applications] shall not be posted or displayed in any  
50 area open to the general public, nor shall such lists [of applications] be shown to  
51 any person who is not entitled to see such lists [of applications], either pursuant  
52 to the provisions of this chapter or any other provisions of law. Persons entitled  
53 to see such lists shall include a candidate or a duly authorized representative of  
54 a campaign committee as defined in section 130.011, RSMo, or any person with  
55 written authorization from a candidate, or any person that has applied for an  
56 absentee ballot **or who has cast an advance ballot. Any person authorized**  
57 **under this subsection may copy the list, and the election authority may**  
58 **make copies of the list available to such persons for a reasonable fee**  
59 **determined by the election authority.**

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Bill

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