

SECOND REGULAR SESSION

SENATE BILL NO. 832

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 23, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5990S.011

AN ACT

To repeal sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, and 115.637, RSMo, and to enact in lieu thereof nine new sections relating to primary elections, with penalty provisions.

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

Section A. Sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, and 115.637, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.166, 115.225, 115.249, and 115.637, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person **[must]** **shall** be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal

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

17 identification at the time of registration.

18 3. Except as provided in federal law or federal elections and in section
19 115.277, no person shall be entitled to vote if the person has not registered to
20 vote in the jurisdiction of his or her residence prior to the deadline to register to
21 vote.

22 **4. Any person updating or changing such person's party**
23 **affiliation as required under section 115.166 may update or change such**
24 **party affiliation for the upcoming election at any time before the**
25 **deadline for registration for such election established in this**
26 **section. Any update or change to such person's party affiliation made**
27 **after the deadline for registration established in this section shall be**
28 **effective only for subsequent elections.**

115.137. 1. Except as provided in [subsection] **subsections 2 and 3** of
2 this section, any citizen who is entitled to register and vote shall be entitled to
3 register for and vote pursuant to the provisions of this chapter in all statewide
4 public elections and all public elections held for districts and political
5 subdivisions within which he resides.

6 2. Any person who and only persons who fulfill the ownership
7 requirements shall be entitled to vote in elections for which ownership of real
8 property is required by law for voting.

9 **3. For all primary elections held after January 1, 2013, any**
10 **person who is entitled to vote in such primary under this chapter shall**
11 **be entitled to vote only the official primary election ballot of the**
12 **political party designated in the person's voter registration. Any**
13 **person attempting to vote or voting a primary election ballot of a**
14 **political party other than that for which the person's designated party**
15 **affiliation qualifies the person to vote shall be guilty of a class four**
16 **election offense as provided in section 115.637.**

115.155. 1. The election authority shall provide for the registration of
2 each voter. Each application shall be in substantially the following form:

3 APPLICATION FOR REGISTRATION

4 Are you a citizen of the United States?

5 YES NO

6 Will you be 18 years of age on or before election day?

7 YES NO

8 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE

9 QUESTIONS, DO NOT COMPLETE THIS FORM.

10 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE
 11 REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A
 12 CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT
 13 SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL
 14 IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH
 15 CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF
 16 OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE
 17 OR OTHER FORM OF PERSONAL IDENTIFICATION.

18
 19 Township (or Ward)
 20
 21 Name Precinct
 22
 23 Home Address Required Personal
 24 Identification Information
 25
 26 City ZIP
 27
 28 Date of Birth Place of Birth (Optional)
 29
 30 Telephone Number Mother's Maiden Name
 31 (Optional) (Optional)
 32
 33 Occupation (Optional) Last Place Previously
 34 Registered
 35
 36 Last four digits of Under What Name
 37 Social Security Number
 38 (Required for registration
 39 unless no Social Security
 40 number exists for Applicant)
 41 **Party Affiliation:**
 42 **Remarks:**
 43
 44 When

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45 I am a citizen of the United States and a resident of the state of Missouri. I have
 46 not been adjudged incapacitated by any court of law. If I have been convicted of
 47 a felony or of a misdemeanor connected with the right of suffrage, I have had the
 48 voting disabilities resulting from such conviction removed pursuant to law. I do
 49 solemnly swear that all statements made on this card are true to the best of my
 50 knowledge and belief.

51 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT
 52 LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE
 53 ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT
 54 MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND
 55 FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH
 56 SUCH IMPRISONMENT AND FINE.

57
 58 Signature of Voter Date
 59

60 Signature of Election Official

61 2. After supplying all information necessary for the registration records,
 62 each applicant who appears in person before the election authority shall swear
 63 or affirm the statements on the registration application by signing his or her full
 64 name, witnessed by the signature of the election authority or such authority's
 65 deputy registration official. Each applicant who applies to register by mail
 66 pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall
 67 attest to the statements on the application by his or her signature.

68 3. Upon receipt by mail of a completed and signed voter registration
 69 application, a voter registration application forwarded by the division of motor
 70 vehicle and drivers licensing of the department of revenue pursuant to section
 71 115.160, or a voter registration agency pursuant to section 115.162, the election
 72 authority shall, if satisfied that the applicant is entitled to register, transfer all
 73 data necessary for the registration records from the application to its registration
 74 system. Within seven business days after receiving the application, the election
 75 authority shall send the applicant a verification notice. If such notice is returned
 76 as undeliverable by the postal service within the time established by the election
 77 authority, the election authority shall not place the applicant's name on the voter
 78 registration file.

79 4. If, upon receipt by mail of a voter registration application or a voter
 80 registration application forwarded pursuant to section 115.160 or 115.162, the

81 election authority determines that the applicant is not entitled to register, such
82 authority shall, within seven business days after receiving the application, so
83 notify the applicant by mail and state the reason such authority has determined
84 the applicant is not qualified. The applicant may have such determination
85 reviewed pursuant to the provisions of section 115.223. If an applicant for voter
86 registration fails to answer the question on the application concerning United
87 States citizenship, the election authority shall notify the applicant of the failure
88 and provide the applicant with an opportunity to complete the form in a timely
89 manner to allow for the completion of the registration form before the next
90 election.

91 5. It shall be the responsibility of the secretary of state to prescribe
92 specifications for voter registration documents so that they are uniform
93 throughout the state of Missouri and comply with the National Voter Registration
94 Act of 1993, including the reporting requirements, and so that registrations, name
95 changes and transfers of registrations within the state may take place as allowed
96 by law.

97 6. All voter registration applications shall be preserved in the office of the
98 election authority.

115.157. 1. The election authority may place all information on any
2 registration cards in computerized form in accordance with section 115.158. No
3 election authority or secretary of state shall furnish to any member of the public
4 electronic media or printout showing any registration information, except as
5 provided in this section. Except as provided in subsection 2 of this section, the
6 election authority or secretary of state shall make available electronic media or
7 printouts showing unique voter identification numbers, voters' names, dates of
8 birth, addresses, townships or wards, and precincts. Electronic data shall be
9 maintained in at least the following separate fields:

- 10 (1) Voter identification number;
- 11 (2) First name;
- 12 (3) Middle initial;
- 13 (4) Last name;
- 14 (5) Suffix;
- 15 (6) Street number;
- 16 (7) Street direction;
- 17 (8) Street name;
- 18 (9) Street suffix;

- 19 (10) Apartment number;
- 20 (11) City;
- 21 (12) State;
- 22 (13) Zip code;
- 23 (14) Township;
- 24 (15) Ward;
- 25 (16) Precinct;
- 26 (17) Senatorial district;
- 27 (18) Representative district;
- 28 (19) Congressional district;
- 29 **(20) Party affiliation.**

30 All election authorities shall enter voter history in their computerized
31 registration systems and shall, not more than six months after the election,
32 forward such data to the Missouri voter registration system established in section
33 115.158. In addition, election authorities shall forward registration and other
34 data in a manner prescribed by the secretary of state to comply with the Help
35 America Vote Act of 2002. Except as provided in subsection 2 of this section, the
36 election authority shall also furnish, for a fee, electronic media or a printout
37 showing the names, dates of birth and addresses of voters, or any part thereof,
38 within the jurisdiction of the election authority who voted in any specific election,
39 including primary elections, by township, ward or precinct, provided that nothing
40 in this chapter shall require such voter information to be released to the public
41 over the Internet. The amount of fees charged for information provided in this
42 section shall be established pursuant to chapter 610. All revenues collected by the
43 secretary of state pursuant to this section shall be deposited in the state treasury
44 and credited to the secretary of state's technology trust fund account established
45 pursuant to section 28.160. In even-numbered years, each election authority
46 shall, upon request, supply the voter registration list for its jurisdiction to all
47 candidates and party committees for a charge established pursuant to chapter
48 610. Except as provided in subsection 2 of this section, all election authorities
49 shall make the information described in this section available pursuant to chapter
50 610. Any election authority who fails to comply with the requirements of this
51 section shall be subject to the provisions of chapter 610.

52 2. Any person working as an undercover officer of a local, state or federal
53 law enforcement agency, persons in witness protection programs, and victims of
54 domestic violence and abuse who have received orders of protection pursuant to

55 chapter 455 shall be entitled to apply to the circuit court having jurisdiction in
56 his or her county of residence to have the residential address on his or her voter
57 registration records closed to the public if the release of such information could
58 endanger the safety of the person. Any person working as an undercover agent
59 or in a witness protection program shall also submit a statement from the chief
60 executive officer of the agency under whose direction he or she is serving. The
61 petition to close the residential address shall be incorporated into any petition for
62 protective order provided by circuit clerks pursuant to chapter 455. If satisfied
63 that the person filing the petition meets the qualifications of this subsection, the
64 circuit court shall issue an order to the election authority to keep the residential
65 address of the voter a closed record and the address may be used only for the
66 purposes of administering elections pursuant to this chapter. The election
67 authority may require the voter who has a closed residential address record to
68 verify that his or her residential address has not changed or to file a change of
69 address and to affirm that the reasons contained in the original petition are still
70 accurate prior to receiving a ballot. A change of address within an election
71 authority's jurisdiction shall not require that the voter file a new petition. Any
72 voter who no longer qualifies pursuant to this subsection to have his or her
73 residential address as a closed record shall notify the circuit court. Upon such
74 notification, the circuit court shall void the order closing the residential address
75 and so notify the election authority.

76 **3. Any person who fails to designate a party affiliation shall be**
77 **registered without a party affiliation. The election authority shall**
78 **notify the person by mail that the person has been registered without**
79 **a party affiliation and that the person may change or update the**
80 **person's party affiliation as provided in section 115.166.**

115.163. 1. Each election authority shall use the Missouri voter
2 registration system established by section 115.158 to prepare a list of legally
3 registered voters for each precinct. The list shall be arranged alphabetically or
4 by street address as the election authority determines and shall be known as the
5 precinct register. The precinct registers shall be kept by the election authority
6 in a secure place, except when given to election judges for use at an
7 election. Except as provided in subsection 2 of section 115.157, all registration
8 records shall be open to inspection by the public at all reasonable times.

9 2. A new precinct register shall be prepared by the election authority prior
10 to each election.

11 3. The election authority shall send to each voter, except those who
12 registered by mail and have not voted, a voter identification card no later than
13 ninety days prior to the date of a primary or general election for federal office,
14 unless the voter has received such a card during the preceding six months. The
15 election authority shall send to each voter who registered by mail and has not
16 voted the verification notice required under section 115.155 no later than ninety
17 days prior to the date of a primary or general election for federal office. The voter
18 identification card shall contain the voter's name, address, [and], precinct, **and**
19 **party affiliation**. The card also shall inform the voter of the personal
20 identification requirement in section 115.427 and may also contain other voting
21 information at the discretion of the election authority. The voter identification
22 card shall be sent to a voter, except those who registered by mail and have not
23 voted, after a new registration or a change of address. If any voter, except those
24 who registered by mail and have not voted, shall lose his voter identification card,
25 he may request a new one from the election authority. The voter identification
26 card authorized pursuant to this section may be used as a canvass of voters in
27 lieu of the provisions set out in sections 115.179 to 115.193. Except as provided
28 in subsection 2 of section 115.157, anyone, upon request and payment of a
29 reasonable fee, may obtain a printout, list and/or computer tape of those newly
30 registered voters or voters deleted from the voting rolls, since the last canvass or
31 updating of the rolls. The election authority may authorize the use of the postal
32 service contractors under the federal National Change of Address program to
33 identify those voters whose address is not correct on the voter registration
34 records. The election authority shall not be required to mail a voter registration
35 card to those voters whose addresses are incorrect. Confirmation notices to such
36 voters required by section 115.193 shall be sent to the corrected address provided
37 by the National Change of Address program.

115.166. Any person desiring to change or update such person's
2 **party affiliation shall notify the person's election authority with a**
3 **signed written notice in the same manner as a change of address is**
4 **filed under section 115.165.**

115.225. 1. Before use by election authorities in this state, the secretary
2 of state shall approve the marking devices and the automatic tabulating
3 equipment used in electronic voting systems and may promulgate rules and
4 regulations to implement the intent of sections 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

- 6 (1) Permits voting in absolute secrecy;
- 7 (2) Permits each voter to vote for as many candidates for each office as a
8 voter is lawfully entitled to vote for;
- 9 (3) Permits each voter to vote for or against as many questions as a voter
10 is lawfully entitled to vote on, and no more;
- 11 (4) Provides facilities for each voter to cast as many write-in votes for
12 each office as a voter is lawfully entitled to cast;
- 13 (5) Permits each voter in a primary election to vote for the candidates of
14 **[only one] the political party [announced by the voter in advance] designated**
15 **by such voter in the person's voter registration as provided under this**
16 **chapter;**
- 17 (6) Permits each voter at a presidential election to vote by use of a single
18 punch or mark for the candidates of one party or group of petitioners for
19 president, vice president and their presidential electors;
- 20 (7) Accurately counts all proper votes cast for each candidate and for and
21 against each question;
- 22 (8) Is set to reject all votes, except write-in votes, for any office and on any
23 question when the number of votes exceeds the number a voter is lawfully
24 entitled to cast;
- 25 (9) Permits each voter, while voting, to clearly see the ballot label;
- 26 (10) Has been tested and is certified by an independent authority that
27 meets the voting system standards developed by the Federal Election Commission
28 or its successor agency. The provisions of this subdivision shall not be required
29 for any system purchased prior to August 28, 2002.
- 30 3. The secretary of state shall promulgate rules and regulations to allow
31 the use of a computerized voting system. The procedures shall provide for the use
32 of a computerized voting system with the ability to provide a paper audit
33 trail. Notwithstanding any provisions of this chapter to the contrary, such a
34 system may allow for the storage of processed ballot materials in an electronic
35 form.
- 36 4. Any rule or portion of a rule, as that term is defined in section 536.010,
37 that is created under the authority delegated in this section shall become effective
38 only if it complies with and is subject to all of the provisions of chapter 536 and,
39 if applicable, section 536.028. This section and chapter 536 are nonseverable and
40 if any of the powers vested with the general assembly pursuant to chapter 536 to
41 review, to delay the effective date or to disapprove and annul a rule are

42 subsequently held unconstitutional, then the grant of rulemaking authority and
43 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.249. No voting machine shall be used unless it:

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he
4 is lawfully entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is
6 lawfully entitled to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for
8 each office as he is lawfully entitled to cast;
- 9 (5) Permits each voter in a primary election to vote for the candidates of
10 **[only one] the political party [announced by the voter in advance] designated**
11 **by such voter in the person's voter registration as provided under this**
12 **chapter;**
- 13 (6) Permits each voter at a presidential election to vote by use of a single
14 lever for the candidates of one party or group of petitioners for president, vice
15 president and their presidential electors;
- 16 (7) Correctly registers or records and accurately counts all votes cast for
17 each candidate and for and against each question;
- 18 (8) Is provided with a lock or locks which prevent any movement of the
19 voting or registering mechanism and any tampering with the mechanism;
- 20 (9) Is provided with a protective counter or other device whereby any
21 operation of the machine before or after an election will be detected;
- 22 (10) Is provided with a counter which shows at all times during the
23 election how many people have voted on the machine;
- 24 (11) Is provided with a proper light which enables each voter, while
25 voting, to clearly see the ballot labels;
- 26 (12) Is provided with a mechanical model, illustrating the manner of
27 voting on the machine, suitable for the instruction of voters.

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

- 7 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any

8 sample ballots that may be furnished by an organization or individual at or near
9 any voting place on election day, except that this subdivision shall not be
10 construed so as to interfere with the right of an individual voter to erase or cause
11 to be erased on a sample ballot the name of any candidate and substituting the
12 name of the person for whom he intends to vote; or to dispose of the received
13 sample ballot;

14 (2) Printing, circulating, or causing to be printed or circulated, any false
15 and fraudulent sample ballots which appear on their face to be designed as a
16 fraud upon voters;

17 (3) Purposefully giving a printed or written sample ballot to any qualified
18 voter which is intended to mislead the voter;

19 (4) On the part of any candidate for election to any office of honor, trust,
20 or profit, offering or promising to discharge the duties of such office for a less sum
21 than the salary, fees, or emoluments as fixed by law or promising to pay back or
22 donate to any public or private interest any portion of such salary, fees, or
23 emolument as an inducement to voters;

24 (5) On the part of any canvasser appointed to canvass any registration
25 list, willfully failing to appear, refusing to continue, or abandoning such canvass
26 or willfully neglecting to perform his duties in making such canvass or willfully
27 neglecting any duties lawfully assigned to him;

28 (6) On the part of any employer, making, enforcing, or attempting to
29 enforce any order, rule, or regulation or adopting any other device or method to
30 prevent an employee from engaging in political activities, accepting candidacy for
31 nomination to, election to, or the holding of, political office, holding a position as
32 a member of a political committee, soliciting or receiving funds for political
33 purpose, acting as chairman or participating in a political convention, assuming
34 the conduct of any political campaign, signing, or subscribing his name to any
35 initiative, referendum, or recall petition, or any other petition circulated pursuant
36 to law;

37 (7) On the part of any person authorized or employed to print official
38 ballots, or any person employed in printing ballots, giving, delivering, or
39 knowingly permitting to be taken any ballot to or by any person other than the
40 official under whose direction the ballots are being printed, any ballot in any form
41 other than that prescribed by law, or with unauthorized names, with names
42 misspelled, or with the names of candidates arranged in any way other than that
43 authorized by law;

44 (8) On the part of any election authority or official charged by law with
45 the duty of distributing the printed ballots, or any person acting on his behalf,
46 knowingly distributing or causing to be distributed any ballot in any manner
47 other than that prescribed by law;

48 (9) Any person having in his possession any official ballot, except in the
49 performance of his duty as an election authority or official, or in the act of
50 exercising his individual voting privilege;

51 (10) Willfully mutilating, defacing, or altering any ballot before it is
52 delivered to a voter;

53 (11) On the part of any election judge, willfully absenting himself from the
54 polls on election day without good cause or willfully detaining any election
55 material or equipment and not causing it to be produced at the voting place at the
56 opening of the polls or within fifteen minutes thereafter;

57 (12) On the part of any election authority or official, willfully neglecting,
58 refusing, or omitting to perform any duty required of him by law with respect to
59 holding and conducting an election, receiving and counting out the ballots, or
60 making proper returns;

61 (13) On the part of any election judge, or party watcher or challenger,
62 furnishing any information tending in any way to show the state of the count to
63 any other person prior to the closing of the polls;

64 (14) On the part of any voter, except as otherwise provided by law,
65 allowing his ballot to be seen by any person with the intent of letting it be known
66 how he is about to vote or has voted, or knowingly making a false statement as
67 to his inability to mark his ballot;

68 (15) On the part of any election judge, disclosing to any person the name
69 of any candidate for whom a voter has voted;

70 (16) Interfering, or attempting to interfere, with any voter inside a polling
71 place;

72 (17) On the part of any person at any registration site, polling place,
73 counting location or verification location, causing any breach of the peace or
74 engaging in disorderly conduct, violence, or threats of violence whereby such
75 registration, election, count or verification is impeded or interfered with;

76 (18) Exit polling, surveying, sampling, electioneering, distributing election
77 literature, posting signs or placing vehicles bearing signs with respect to any
78 candidate or question to be voted on at an election on election day inside the
79 building in which a polling place is located or within twenty-five feet of the

80 building's outer door closest to the polling place, or, on the part of any person,
81 refusing to remove or permit removal from property owned or controlled by him,
82 any such election sign or literature located within such distance on such day after
83 request for removal by any person;

84 (19) Stealing or willfully defacing, mutilating, or destroying any campaign
85 yard sign on private property, except that this subdivision shall not be construed
86 to interfere with the right of any private property owner to take any action with
87 regard to campaign yard signs on the owner's property and this subdivision shall
88 not be construed to interfere with the right of any candidate, or the candidate's
89 designee, to remove the candidate's campaign yard sign from the owner's private
90 property after the election day;

91 (20) **Voting or attempting to vote a primary election ballot of a**
92 **political party other than that for which the person's designated party**
93 **affiliation qualifies the person to vote.**

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