

SECOND REGULAR SESSION

# SENATE BILL NO. 750

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4708S.01I

## AN ACT

To repeal section 115.155, RSMo, section 115.631 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 115.631 as enacted by senate bills nos. 1014 & 730, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to election offenses, with penalty provisions.

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

Section A. Section 115.155, RSMo, section 115.631 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 115.631 as enacted by senate bills nos. 1014 & 730, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.155 and 115.631, to read as follows:

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

### APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES  NO

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

YES  NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT

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

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 Remarks: .....  
42 When

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

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

55 .....

56 Signature of Voter Date

57 .....

58 Signature of Election Official

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

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

77 4. If, upon receipt by mail of a voter registration application or a voter  
 78 registration application forwarded pursuant to section 115.160 or 115.162, the  
 79 election authority determines that the applicant is not entitled to register, such  
 80 authority shall, within seven business days after receiving the application, so  
 81 notify the applicant by mail and state the reason such authority has determined  
 82 the applicant is not qualified. The applicant may have such determination  
 83 reviewed pursuant to the provisions of section 115.223. If an applicant for voter  
 84 registration fails to answer the question on the application concerning United

85 States citizenship, the election authority shall notify the applicant of the failure  
86 and provide the applicant with an opportunity to complete the form in a timely  
87 manner to allow for the completion of the registration form before the next  
88 election.

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

95 6. All voter registration applications shall be preserved in the office of the  
96 election authority.

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. **Except as provided for in**  
4 **subdivision (1) and subdivision (17) of this section**, conviction for any of  
5 these offenses shall be punished by imprisonment of not more than [five] **seven**  
6 years or by fine of not less than two thousand five hundred dollars but not more  
7 than ten thousand dollars or by both such imprisonment and fine. **No person**  
8 **found guilty of these offenses shall be granted a suspended imposition**  
9 **of sentence. No person convicted of, pleading guilty to, or pleading**  
10 **nolo contendere to these offenses shall be eligible for probation or**  
11 **parole until he or she has served a minimum of thirty days**  
12 **imprisonment. Such person shall not be eligible to be an election judge**  
13 **as described in sections 115.079 to 115.103, a challenger as described in**  
14 **sections 115.105 to 115.111, or a watcher as described in sections**  
15 **115.107 to 115.111:**

16 (1) Willfully and falsely making any certificate, affidavit, or statement  
17 required to be made pursuant to any provision of sections 115.001 to 115.641,  
18 including but not limited to statements specifically required to be made "under  
19 penalty of perjury"; or in any other manner knowingly furnishing false  
20 information to an election authority or election official engaged in any lawful duty  
21 or action in such a way as to hinder or mislead the authority or official in the  
22 performance of official duties. If an individual willfully and falsely makes any  
23 certificate, affidavit, or statement required to be made under section 115.155,  
24 including but not limited to statements specifically required to be made "under

25 penalty of perjury", such individual shall be guilty of a class [D] C felony;

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

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

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

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

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

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

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

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

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

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

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

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

61 knowingly making an incorrect account of any election;

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

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

71 (16) Willfully tampering with, disarranging, altering the information on,  
72 defacing, impairing or destroying any voting machine or marking device after the  
73 machine or marking device has been prepared for use at an election and during  
74 the time it is required by law to remain locked and sealed with intent to impair  
75 the functioning of the machine or marking device at an election, mislead any  
76 voter at the election, or to destroy or change the count or record of votes on such  
77 machine;

78 (17) Registering to vote knowing the person is not legally entitled to  
79 register or registering in the name of another person, whether the name be that  
80 of a person living or dead or of a fictitious person **shall constitute a class C**  
81 **felony**;

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

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

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

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

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

95 (23) Violation of any of the provisions of sections 115.275 to 115.303, or  
96 of any provision of law pertaining to absentee voting;

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

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

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

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2 by law, shall be class one election offenses and are deemed felonies connected  
3 with the exercise of the right of suffrage. **Except as provided for in**  
4 **subdivision (1) and subdivision (17) of this section**, conviction for any of  
5 these offenses shall be punished by imprisonment of not more than five years or  
6 by fine of not less than two thousand five hundred dollars but not more than ten  
7 thousand dollars or by both such imprisonment and fine. **No person found**  
8 **guilty of these offenses shall be granted a suspended imposition of**  
9 **sentence. No person convicted of, pleading guilty to, or pleading nolo**  
10 **contendre to these offenses shall be eligible for probation or parole**  
11 **until he or she has served a minimum of thirty days**  
12 **imprisonment. Such person shall not be eligible to be an election judge**  
13 **as described in sections 115.079 to 115.103, a challenger as described in**  
14 **sections 115.105 to 115.111, or a watcher as described in sections**  
15 **115.107 to 115.111:**

16 (1) Willfully and falsely making any certificate, affidavit, or statement  
17 required to be made pursuant to any provision of sections 115.001 to 115.641 [and  
18 sections 51.450 and 51.460], including but not limited to statements specifically  
19 required to be made "under penalty of perjury"; or in any other manner knowingly  
20 furnishing false information to an election authority or election official engaged  
21 in any lawful duty or action in such a way as to hinder or mislead the authority  
22 or official in the performance of official duties. If an individual willfully and  
23 falsely makes any certificate, affidavit, or statement required to be made under  
24 section 115.155, including but not limited to statements specifically required to  
25 be made "under penalty of perjury", such individual shall be guilty of a class [C]  
26 B felony;

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

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

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

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

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

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

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45 permitting any ballot, or paper having the semblance of a ballot, to be placed in  
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47 provided by law;

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

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

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54 ballot after it has been voted for the purpose of changing the lawful count of any  
55 election;

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

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

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

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

72 (16) Willfully tampering with, disarranging, altering the information on,  
73 defacing, impairing or destroying any voting machine or marking device after the  
74 machine or marking device has been prepared for use at an election and during  
75 the time it is required by law to remain locked and sealed with intent to impair  
76 the functioning of the machine or marking device at an election, mislead any  
77 voter at the election, or to destroy or change the count or record of votes on such  
78 machine;

79 (17) Registering to vote knowing the person is not legally entitled to  
80 register or registering in the name of another person, whether the name be that  
81 of a person living or dead or of a fictitious person **shall constitute a class B**  
82 **felony**;

83 (18) Procuring any other person to register knowing the person is not  
84 legally entitled to register, or aiding, abetting or advising another person to  
85 register knowing the person is not legally entitled to register;

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

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

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

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

96 (23) Violation of any of the provisions of sections 115.275 to 115.303, or  
97 of any provision of law pertaining to absentee voting;

98 (24) Assisting a person to vote knowing such person is not legally entitled

99 to such assistance, or while assisting a person to vote who is legally entitled to  
100 such assistance, in any manner coercing, requesting or suggesting that the voter  
101 vote for or against, or refrain from voting on any question, ticket or candidate;

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103 value of five hundred dollars or more, or threatening an act of violence with the  
104 intent of denying a person's lawful right to vote or to participate in the election  
105 process; and

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

Unofficial ✓

Bill

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