

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 542
100TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 10, 2020, with recommendation that the Senate Committee Substitute do pass.

3446S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 115.133, 115.155, 115.158, 115.195, and 115.283, RSMo, and to enact in lieu thereof five new sections relating to the right of suffrage for former felons.

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

Section A. Sections 115.133, 115.155, 115.158, 115.195, and 115.283, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.133, 115.155, 115.158, 115.195, and 115.283, to read as follows:

115.133. 1. **This section shall be known, and may be cited as "The Missouri Restoration of Voting Rights Act".**

2. Except as provided in subsection [2] 3 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

[2.] 3. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment **or under a probation or parole revocation; or**

(2) While on probation or parole after conviction of a **dangerous** felony, **as defined in section 556.061**, until finally discharged from such probation or parole; or

(3) After conviction of a felony **connected with the right of suffrage** or misdemeanor connected with the right of suffrage.

4. Except as provided in federal law or federal elections and in section

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

17 115.277, no person shall be entitled to vote if the person has not registered to
 18 vote in the jurisdiction of his or her residence prior to the deadline to register to
 19 vote.

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

20 _____
 21 Township (or Ward)

22 _____
 23 Name Precinct

24 _____
 25 Home Address Required Personal
 26 Identification
 27 Information

28 _____
 29 City ZIP
 30 _____
 31 Date of Birth Place of Birth (Optional)

32 _____
 33 Telephone Number Mother's Maiden

34	(Optional)	Name (Optional)
35	_____	_____
36	Occupation	Last Place Previously
37	(Optional)	Registered
38	_____	_____
39	Last four digits of	Under What Name
40	Social Security Number	
41	(Required for registration	
42	unless no Social Security	
43	number exists for Applicant)	
44	Remarks: _____	
45		When
46	I am a citizen of the United States and a resident of the state of	
47	Missouri. I have not been adjudged incapacitated by any court of	
48	law. If I have been convicted of a felony connected with the	
49	right of suffrage or of a misdemeanor connected with the right	
50	of suffrage, I have had the voting disabilities resulting from such	
51	conviction removed pursuant to law. I do solemnly swear that all	
52	statements made on this card are true to the best of my knowledge	
53	and belief.	
54	I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING	
55	THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM	
56	COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY	
57	BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE	
58	YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE	
59	HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY	
60	BOTH SUCH IMPRISONMENT AND FINE.	
61	_____	_____
62	Signature of Voter	Date
63	_____	
64	Signature of Election Official	

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

70 pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall
71 attest to the statements on the application by his or her signature.

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

83 4. If, upon receipt by mail of a voter registration application or a voter
84 registration application forwarded pursuant to section 115.160 or 115.162, the
85 election authority determines that the applicant is not entitled to register, such
86 authority shall, within seven business days after receiving the application, so
87 notify the applicant by mail and state the reason such authority has determined
88 the applicant is not qualified. The applicant may file a complaint with the
89 elections division of the secretary of state's office under and pursuant to section
90 115.219. If an applicant for voter registration fails to answer the question on the
91 application concerning United States citizenship, the election authority shall
92 notify the applicant of the failure and provide the applicant with an opportunity
93 to complete the form in a timely manner to allow for the completion of the
94 registration form before the next election.

95 5. The secretary of state shall prescribe specifications for voter
96 registration documents so that they are uniform throughout the state of Missouri
97 and comply with the National Voter Registration Act of 1993, including the
98 reporting requirements, and so that registrations, name changes and transfers
99 of registrations within the state may take place as allowed by law.

100 6. All voter registration applications shall be preserved in the office of the
101 election authority.

115.158. 1. The secretary of state shall implement a centralized,
2 interactive computerized statewide voter registration list. This computerized list
3 shall be known as the "Missouri Voter Registration System". The system shall
4 be implemented by January 1, 2004, unless a waiver is obtained pursuant to the

5 Help America Vote Act of 2002. If a waiver is obtained, the system shall be
6 implemented by January 1, 2006. The system shall be maintained and
7 administered by the secretary of state and contain the name and registration
8 information of every legally registered voter in Missouri. In addition, the system
9 shall:

- 10 (1) Assign a unique identifier to each legally registered voter in Missouri;
- 11 (2) Serve as the single system for storing and managing the official list
12 of registered voters throughout Missouri;
- 13 (3) Be coordinated with other agency databases in Missouri;
- 14 (4) Allow any election official in Missouri, including local election
15 authorities, immediate electronic access to the information contained in the
16 system;
- 17 (5) Allow all voter registration information obtained by any local election
18 official in Missouri to be electronically entered into the system on an expedited
19 basis at the time the information is provided to the local official. The secretary
20 of state, as the chief state election official, shall provide such support as may be
21 required so that local election officials are able to enter the registration
22 information; and
- 23 (6) Serve as the official voter registration list for the conduct of all
24 elections in Missouri.

25 2. The secretary of state and local election authorities shall perform
26 system maintenance on a regular basis, which shall include:

- 27 (1) Removing names in accordance with the provisions and procedures of
28 the National Voter Registration Act of 1993 and coordinating system maintenance
29 activities with state agency records on death [and felony status];
- 30 (2) Requiring the name of each registered voter to appear in the system;
- 31 (3) Removing only voters who are not registered or who are not eligible
32 to vote; and
- 33 (4) Eliminating duplicate names from the system.

34 3. The secretary of state shall provide adequate technological security
35 measures to prevent the unauthorized access to the system established pursuant
36 to this section.

37 4. The secretary of state shall develop procedures to ensure that voter
38 registration records within the system are accurate and updated regularly. At a
39 minimum, the procedures shall include:

- 40 (1) A system of file maintenance that makes a reasonable effort to remove

41 registrants who are ineligible to vote. Consistent with the National Voter
42 Registration Act of 1993, registrants who have not responded to a notice and who
43 have not voted in two consecutive general elections for federal office shall be
44 removed from the official list of eligible voters, except that no registrant may be
45 removed solely by reason of a failure to vote; and

46 (2) Safeguards to ensure that eligible voters are not removed in error.

47 5. Voter registration information shall be verified in accordance with the
48 Help America Vote Act of 2002.

49 (1) Except as provided in subdivision (2) of this subsection, an application
50 for voter registration may not be accepted or processed unless the application
51 includes:

52 (a) In the case of an applicant who has been issued a current and valid
53 driver's license, the applicant's driver's license number; or

54 (b) In the case of any other applicant, other than an applicant to whom
55 subdivision (2) applies, the last four digits of the applicant's Social Security
56 number.

57 (2) If an applicant for voter registration has not been issued a current and
58 valid driver's license or a Social Security number, the applicant shall be assigned
59 a number which will serve to identify the applicant for voter registration
60 purposes. The number assigned under this subdivision shall be used as the
61 unique identifying number within the system.

62 (3) The secretary of state and the director of the department of revenue
63 shall enter into an agreement to match information in the database of the voter
64 registration system with information in the database of the motor vehicle system
65 to enable the secretary to verify the accuracy of information provided on
66 applications for voter registration.

67 (4) The director of the department of revenue shall enter into an
68 agreement with the commissioner of Social Security and comply with the Help
69 America Vote Act of 2002.

70 6. In addition to using the system for voter registration, the election
71 authorities and secretary of state may use the system for the collection and
72 dissemination of election results and other pertinent information. Any
73 information contained in any state or local voter registration system, limited to
74 the master voter registration list or any other list generated from the information,
75 subject to chapter 610, shall not be used for commercial purposes; provided,
76 however, that the information may be used for elections, for candidates, or for

77 ballot measures, furnished at a reasonable fee. Violation of this section shall be
78 a class B misdemeanor. For purposes of this section, "commercial purposes"
79 means the use of a public record for the purpose of sale or resale or for the
80 purpose of producing a document containing all or part of the copy, printout, or
81 photograph for sale or the obtaining of names and addresses from public records
82 for the purpose of solicitation or the sale of names and addresses to another for
83 the purpose of solicitation or for any purpose in which the purchaser can
84 reasonably anticipate the receipt of monetary gain from the direct or indirect use
85 of the public record.

86 7. The secretary of state shall establish an advisory committee to assist
87 in the establishment and maintenance of the Missouri voter registration system.

88 8. The secretary of state may promulgate rules to execute this section. No
89 rule or portion of a rule promulgated pursuant to the authority of this section
90 shall become effective unless it has been promulgated pursuant to chapter 536.

91 9. Election authorities and any agency required under the National Voter
92 Registration Act of 1993 to accept voter registration applications shall forward
93 registration and other data in a manner prescribed by the secretary of state to
94 assist with administering and maintaining the Missouri voter registration system
95 in accordance with the Help America Vote Act of 2002.

115.195. 1. At least once each month, the state or local registrar of vital
2 statistics shall provide to the election authority a list of the name and address,
3 if known, of each person over eighteen years of age in its jurisdiction whose death
4 has been reported to him or her and provide a copy of the list of any death
5 reported in the state to the secretary of state. The secretary of state shall notify
6 the election authority of the jurisdiction in which the deceased resided of the
7 information received pursuant to this subsection.

8 2. At least once each month, the clerk of the circuit court of each county
9 and city not within a county shall provide to the election authority a list of the
10 name and address, if known, of each person over eighteen years of age in the
11 court's jurisdiction who has been convicted of any felony **connected with the**
12 **right of suffrage**, or of a misdemeanor connected with the right of suffrage. A
13 copy of the list shall also be submitted to the secretary of state. The secretary of
14 state shall notify the election authority of the jurisdiction in which an offender
15 resides of the information received pursuant to this subsection.

16 3. At least once each month, the clerk of the probate division of the circuit
17 court of each county and city not within a county shall provide to the election

18 authority a list of the name and address, if known, of each person over eighteen
19 years of age in the court's jurisdiction who has been adjudged incapacitated and
20 has not been restored to capacity. A copy of the list shall also be submitted to the
21 secretary of state. The secretary of state shall notify the election authority of the
22 jurisdiction in which such person resides of the information received pursuant to
23 this subsection.

24 4. All state and local registrars and all clerks of probate divisions of the
25 circuit courts and circuit courts shall provide the information specified in this
26 section, without charge, to the election authority or the secretary of state.

115.283. 1. Each ballot envelope shall bear a statement on which the
2 voter shall state the voter's name, the voter's voting address, the voter's mailing
3 address and the voter's reason for voting an absentee ballot. If the reason for the
4 voter voting absentee is due to the reasons established under subdivision (6) of
5 subsection 1 of section 115.277, the voter shall state the voter's identification
6 information provided by the address confidentiality program in lieu of the
7 applicant's name, voting address, and mailing address. On the form, the voter
8 shall also state under penalties of perjury that the voter is qualified to vote in the
9 election, that the voter has not previously voted and will not vote again in the
10 election, that the voter has personally marked the voter's ballot in secret or
11 supervised the marking of the voter's ballot if the voter is unable to mark it, that
12 the ballot has been placed in the ballot envelope and sealed by the voter or under
13 the voter's supervision if the voter is unable to seal it, and that all information
14 contained in the statement is true. In addition, any person providing assistance
15 to the absentee voter shall include a statement on the envelope identifying the
16 person providing assistance under penalties of perjury. Persons authorized to
17 vote only for federal and statewide officers shall also state their former Missouri
18 residence.

19 2. The statement for persons voting absentee ballots who are registered
20 voters shall be in substantially the following form:

21 State of Missouri

22 County (City) of _____

23 I, _____ (print name), a registered voter of _____ County (City of
24 St. Louis, Kansas City), declare under the penalties of perjury that
25 I expect to be prevented from going to the polls on election day due
26 to (check one):

27 _____ absence on election day from the jurisdiction of the

28 election authority in which I am registered;
 29 _____ incapacity or confinement due to illness or physical
 30 disability, including caring for a person who is
 31 incapacitated or confined due to illness or disability;
 32 _____ religious belief or practice;
 33 _____ employment as an election authority or by an
 34 election authority at a location other than my polling
 35 place;
 36 _____ incarceration, although I have retained all the
 37 necessary qualifications for voting;
 38 _____ certified participation in the address confidentiality
 39 program established under sections 589.660 to
 40 589.681 because of safety concerns.

41 I hereby state under penalties of perjury that I am qualified to vote
 42 at this election; I have not voted and will not vote other than by
 43 this ballot at this election. I further state that I marked the
 44 enclosed ballot in secret or that I am blind, unable to read or write
 45 English, or physically incapable of marking the ballot, and the
 46 person of my choosing indicated below marked the ballot at my
 47 direction; all of the information on this statement is, to the best of
 48 my knowledge and belief, true.

49 _____	_____
50 Signature of Voter	Signature of Person
51	Assisting Voter
52	(if applicable)
53 Signed _____	Subscribed and sworn
54 Signed _____	to before me this
55 Address of Voter	_____ day of
56	_____, _____
57 _____	_____
58 _____	_____
59 Mailing addresses	Signature of notary or
60 (if different)	other officer
61	authorized to
62	administer oaths

63 3. The statement for persons voting absentee ballots pursuant to the

64 provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered
 65 shall be in substantially the following form:

66 State of Missouri

67 County (City) of _____

68 I, _____ (print name), declare under the penalties of perjury that
 69 I am a citizen of the United States and eighteen years of age or
 70 older. I am not adjudged incapacitated by any court of law, and if
 71 I have been convicted of a felony **connected with the right of**
 72 **suffrage** or of a misdemeanor connected with the right of suffrage,
 73 I have had the voting disabilities resulting from such conviction
 74 removed pursuant to law. I hereby state under penalties of perjury
 75 that I am qualified to vote at this election.

76 I am (check one):

77 _____ a resident of the state of Missouri and a registered
 78 voter in _____ County and moved from that county
 79 to _____ County, Missouri, after the last day to
 80 register to vote in this election.

81 _____ an interstate former resident of Missouri and
 82 authorized to vote for presidential and vice
 83 presidential electors.

84 I further state under penalties of perjury that I have not voted and
 85 will not vote other than by this ballot at this election; I marked the
 86 enclosed ballot in secret or am blind, unable to read or write
 87 English, or physically incapable of marking the ballot, and the
 88 person of my choosing indicated below marked the ballot at my
 89 direction; all of the information on this statement is, to the best of
 90 my knowledge and belief, true.

91 _____

92
 93 Signature of Voter

94 _____

95 _____

96 _____

97 Address of Voter

98 _____

99 _____

Subscribed to and
 sworn before me this

_____ day of

_____, _____

 Signature of notary or
 other officer
 authorized to

100		administer oaths
101	_____	_____
102	Mailing Address (if different)	_____
103		_____
104	_____	_____
105	Signature of Person	Address of Last
106	Assisting Voter	Missouri Residence
107		(if applicable)

108 4. The statement for persons voting absentee ballots who are entitled to
 109 vote at the election pursuant to the provisions of subsection 2 of section 115.137
 110 shall be in substantially the following form:

111 State of Missouri

112 County (City) of _____

113 I, _____ (print name), declare under the penalties of perjury that
 114 I expect to be prevented from going to the polls on election day due
 115 to (check one):

116	_____	absence on election day from the jurisdiction of the
117		election authority in which I am directed to vote;
118	_____	incapacity or confinement due to illness or physical
119		disability, including caring for a person who is
120		incapacitated or confined due to illness or disability;
121	_____	religious belief or practice;
122	_____	employment as an election authority or by an
123		election authority at a location other than my polling
124		place;
125	_____	incarceration, although I have retained all the
126		necessary qualifications of voting;
127	_____	certified participation in the address confidentiality
128		program established under sections 589.660 to
129		589.681 because of safety concerns.

130 I hereby state under penalties of perjury that I own property in the
 131 _____ district and am qualified to vote at this election; I have not
 132 voted and will not vote other than by this ballot at this election. I
 133 further state that I marked the enclosed ballot in secret or that I
 134 am blind, unable to read and write English, or physically incapable
 135 of marking the ballot, and the person of my choosing indicated

below marked the ballot at my direction; all of the information on
this statement is, to the best of my knowledge and belief, true.

Subscribed and sworn
to before me this
____ day of
____, ____

Signature of Voter

Address

Signature of notary or
other officer
authorized to
administer oaths

Signature of Person

Assisting Voter

(if applicable)

5. The statement for persons providing assistance to absentee voters shall
be in substantially the following form:

The voter needed assistance in marking the ballot and signing
above, because of blindness, other physical disability, or inability
to read or to read English. I marked the ballot enclosed in this
envelope at the voter's direction, when I was alone with the voter,
and I had no other communication with the voter as to how he or
she was to vote. The voter swore or affirmed the voter affidavit
above and I then signed the voter's name and completed the other
voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: _____

ASSISTING PERSON SIGN HERE

1. _____ (signature of assisting person)
2. _____ (assisting person's name printed)
3. _____ (assisting person's residence)
4. _____ (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any covered voter
as defined in section 115.902 or persons who have declared themselves to be
permanently disabled pursuant to section 115.284, otherwise entitled to vote,
shall not be required to obtain a notary seal or signature on his or her absentee

172 ballot.

173 7. Notwithstanding any other provision of this section or section 115.291
174 to the contrary, the subscription, signature and seal of a notary or other officer
175 authorized to administer oaths shall not be required on any ballot, ballot
176 envelope, or statement required by this section if the reason for the voter voting
177 absentee is due to the reasons established pursuant to subdivision (2) of
178 subsection 1 of section 115.277.

179 8. No notary shall charge or collect a fee for notarizing the signature on
180 any absentee ballot or absentee voter registration.

181 9. A notary public who charges more than the maximum fee specified or
182 who charges or collects a fee for notarizing the signature on any absentee ballot
183 or absentee voter registration is guilty of official misconduct.

✓

Bill

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