

FIRST REGULAR SESSION

# SENATE BILL NO. 137

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0946S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 115.013, 115.163, 115.179, 115.181, 115.193, and 115.221, RSMo, and to enact in lieu thereof six new sections relating to the maintenance of voter registration records.

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

Section A. Sections 115.013, 115.163, 115.179, 115.181,  
2 115.193, and 115.221, RSMo, are repealed and six new sections  
3 enacted in lieu thereof, to be known as sections 115.013,  
4 115.163, 115.179, 115.181, 115.193, and 115.221, to read as  
5 follows:

115.013. As used in this chapter, unless the context  
2 clearly implies otherwise, the following terms mean:

- 3 (1) "Automatic tabulating equipment", the apparatus  
4 necessary to examine and automatically count votes, and the  
5 data processing machines which are used for counting votes  
6 and tabulating results;
- 7 (2) "Ballot", the ballot card, paper ballot, or ballot  
8 designed for use with an electronic voting system on which  
9 each voter may cast all votes to which he or she is entitled  
10 at an election;
- 11 (3) "Ballot card", a ballot which is voted by making a  
12 mark which can be tabulated by automatic tabulating  
13 equipment;
- 14 (4) "Ballot label", the card, paper, booklet, page, or  
15 other material containing the names of all offices and  
16 candidates and statements of all questions to be voted on;

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

17           (5) "Counting location", a location selected by the  
18 election authority for the automatic processing or counting,  
19 or both, of ballots;

20           (6) "County", any county in this state or any city not  
21 within a county;

22           (7) "Disqualified", a determination made by a court of  
23 competent jurisdiction, the Missouri ethics commission, an  
24 election authority or any other body authorized by law to  
25 make such a determination that a candidate is ineligible to  
26 hold office or not entitled to be voted on for office;

27           (8) "District", an area within the state or within a  
28 political subdivision of the state from which a person is  
29 elected to represent the area on a policy-making body with  
30 representatives of other areas in the state or political  
31 subdivision;

32           (9) "Electronic voting machine", any part of an  
33 electronic voting system on which a voter is able to cast a  
34 ballot under this chapter;

35           (10) "Electronic voting system", a system of casting  
36 votes by use of marking devices, and counting votes by use  
37 of automatic tabulating or data processing equipment,  
38 including computerized voting systems;

39           (11) "Established political party" for the state, a  
40 political party which, at either of the last two general  
41 elections, polled for its candidate for any statewide office  
42 more than two percent of the entire vote cast for the  
43 office. "Established political party" for any district or  
44 political subdivision shall mean a political party which  
45 polled more than two percent of the entire vote cast at  
46 either of the last two elections in which the district or  
47 political subdivision voted as a unit for the election of  
48 officers or representatives to serve its area;

49           (12) "Federal office", the office of presidential  
50 elector, United States senator, or representative in  
51 Congress;

52           (13) "Independent", a candidate who is not a candidate  
53 of any political party and who is running for an office for  
54 which political party candidates may run;

55           (14) "Major political party", the political party  
56 whose candidates received the highest or second highest  
57 number of votes at the last general election;

58           (15) "Marking device", any approved device which will  
59 enable the votes to be counted by automatic tabulating  
60 equipment;

61           (16) "Municipal" or "municipality", a city, village,  
62 or incorporated town of this state;

63           (17) "New party", any political group which has filed  
64 a valid petition and is entitled to place its list of  
65 candidates on the ballot at the next general or special  
66 election;

67           (18) "Nonpartisan", a candidate who is not a candidate  
68 of any political party and who is running for an office for  
69 which party candidates may not run;

70           (19) "Political party", any established political  
71 party and any new party;

72           (20) "Political subdivision", a county, city, town,  
73 village, or township of a township organization county;

74           (21) "Polling place", the voting place designated for  
75 all voters residing in one or more precincts for any  
76 election;

77           (22) "Precincts", the geographical areas into which  
78 the election authority divides its jurisdiction for the  
79 purpose of conducting elections;

80           (23) "Public office", any office established by  
81 constitution, statute or charter and any employment under  
82 the United States, the state of Missouri, or any political  
83 subdivision or special district thereof, but does not  
84 include any office in the Missouri state defense force or  
85 the National Guard or the office of notary public or city  
86 attorney in cities of the third classification or cities of  
87 the fourth classification;

88           (24) "Question", any measure on the ballot which can  
89 be voted "YES" or "NO";

90           (25) "Relative within the second degree by  
91 consanguinity or affinity", a spouse, parent, child,  
92 grandparent, brother, sister, grandchild, mother-in-law,  
93 father-in-law, daughter-in-law, or son-in-law;

94           (26) "Special district", any school district, water  
95 district, fire protection district, hospital district,  
96 health center, nursing district, or other districts with  
97 taxing authority, or other district formed pursuant to the  
98 laws of Missouri to provide limited, specific services;

99           (27) "Special election", elections called by any  
100 school district, water district, fire protection district,  
101 or other district formed pursuant to the laws of Missouri to  
102 provide limited, specific services; and

103           (28) **"Voter activity", registering to vote, voting in**  
104 **an election, signing a petition to form a new political**  
105 **party, signing a petition for the nomination of an**  
106 **independent candidate for office, or signing an initiative**  
107 **petition;**

108           (29) "Voting district", the one or more precincts  
109 within which all voters vote at a single polling place for  
110 any election.

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

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

3. (1) The election authority shall send to each voter, except those who registered by mail and have not voted, a voter identification card no later than ninety days prior to the date of a primary or general election for federal office, unless the voter has received such a card during the preceding six months. The election authority shall send to each voter who registered by mail and has not voted the verification notice required under section 115.155 no later than ninety days prior to the date of a primary or general election for federal office. The voter identification card shall contain the voter's name, address, and precinct. The card also shall inform the voter of the personal identification requirement in section 115.427 and may also contain other voting information at the discretion of the election authority. The voter identification card shall be sent to a voter, except those who registered by mail and have not voted, after a new registration or a change of address. If any voter, except those who registered by mail and have not voted, shall lose his voter

33 identification card, [he] **the voter** may request a new one  
34 from the election authority.

35 (2) The **issuance of** voter identification [card  
36 authorized] **cards** pursuant to **subdivision (1) of** this  
37 [section may be used as] **subsection shall be considered a**  
38 canvass of voters [in lieu of the provisions set out in]  
39 **pursuant to** sections 115.179 to 115.193.

40 (3) Except as provided in subsection 2 of section  
41 115.157, anyone, upon request and payment of a reasonable  
42 fee, may obtain a printout, list and/or computer tape of  
43 those newly registered voters or voters deleted from the  
44 voting rolls, since the last canvass or updating of the  
45 rolls.

46 (4) The election authority may authorize the use of  
47 the postal service contractors under the federal National  
48 Change of Address program to identify those voters whose  
49 address is not correct on the voter registration records.  
50 The election authority shall not be required to mail a voter  
51 registration card to those voters whose addresses are  
52 incorrect. Confirmation notices to such voters required by  
53 section 115.193 shall be sent to the corrected address  
54 provided by the National Change of Address program.

115.179. [1.] The election authority shall [have]  
2 **canvass** the registration records of all precincts in its  
3 jurisdiction [canvassed] every two years [in accordance with  
4 subsection 3 of section 115.163 and that it]. **Such canvass**  
5 **shall** be completed no later than ninety days prior to the  
6 date of a primary or general election for federal office.  
7 [The election authority may utilize postal service  
8 contractors under the federal National Change of Address  
9 program to canvass the records.

10           2. In each jurisdiction without a board of election  
11 commissioners, the county clerk shall have the registration  
12 records of all precincts in its jurisdiction canvassed every  
13 two years in accordance with subsection 3 of section 115.163  
14 and that it be completed no later than ninety days prior to  
15 the date of a primary or general election for federal  
16 office.]

          115.181. 1. In its discretion, the election authority  
2 may order all or any part of a canvass to be made **using any**  
3 **one of the following methods, or any combination thereof:**

4           (1) House-to-house, **pursuant to sections 115.185 and**  
5 **115.187;**

6           (2) Through the United States Postal Service, [or by  
7 both methods] **pursuant to section 115.189;**

8           (3) **Through the issuance of voter registration cards**  
9 **pursuant to subsection 3 of section 115.163; or**

10           (4) **Through the utilization of postal service**  
11 **contractors pursuant to the federal National Change of**  
12 **Address program.**

13           2. At the discretion of the election authority, [the]  
14 **a** canvass may be made by including only those voters who did  
15 not vote at the last general election and those voters who  
16 registered since the last general election.

          115.193. 1. Upon completion of a canvass as provided  
2 for in this chapter, **the election authority shall remove a**  
3 registered voter's name [shall not be removed] from the list  
4 of registered voters **on the precinct register** on the ground  
5 that the voter has changed residence [unless] **if:**

6           (1) The voter confirms in writing that the voter has  
7 changed residence to a place outside the election  
8 authority's jurisdiction in which the voter is registered; or

9           (2) The voter fails to respond to a notice described  
10 in **subsection 3 of** this section and has not [voted in an  
11 election] **engaged in voter activity** during the period  
12 beginning on the date of the notice and ending on the day  
13 after the date of the second general election that occurs  
14 after the date of the notice.

15           2. The notice referred to in subsection 1, subdivision  
16 (2) of this section shall contain a postage prepaid and  
17 preaddressed return card, sent by forwardable mail, on which  
18 the voter may state the voter's current address.

19           3. The notice shall also contain the following  
20 statements:

21           "(1) Any voter who has not changed his or her  
22 residence, or has changed residence but remained in the same  
23 election authority's jurisdiction, shall return the card not  
24 later than the fourth Wednesday prior to the next election.  
25 If the card is not returned by this date, oral or written  
26 affirmation of the voter's address may be required at the  
27 polling place before the voter will be permitted to vote in  
28 an election during the period beginning on the date of the  
29 notice and ending on the day after the date of the second  
30 general election that occurs after the date of the notice.  
31 Any voter who does not [vote in an election] **engage in voter**  
32 **activity** during that period, will have his or her name  
33 removed from the list of eligible voters;

34           (2) For additional information on registering to vote,  
35 contact the election authority located in the county of your  
36 current residence. If you reside in the City of St. Louis,  
37 contact the St. Louis City election board."

38           4. If the election authority believes that the name of  
39 any voter was improperly removed from the [registration  
40 records] **list of registered voters on the precinct register,**



41 it may, by telephone or in writing on election day,  
42 authorize election judges to permit the voter to vote. The  
43 voter may be required to execute an affidavit of  
44 qualification on a form prescribed by the election authority  
45 before being permitted to vote.

46 5. An election authority may designate any voter as an  
47 inactive voter if the election authority receives from the  
48 United States Postal Service notification that the voter no  
49 longer resides at the address last known to the election  
50 authority and no forwarding address is available, or the  
51 voter fails to respond to the notice authorized in  
52 subdivision (2) of subsection 1 of this section within  
53 thirty days after the election authority sends such notice.  
54 Such voter may be designated as an inactive voter only until:

55 (1) The voter returns such notice to the election  
56 authority;

57 (2) The voter provides the election authority with his  
58 or her new address pursuant to the provisions of this  
59 chapter;

60 (3) The voter provides a written affirmation that the  
61 voter has not changed residence; or

62 (4) The election authority receives sufficient  
63 information to remove the voter from the list of registered  
64 voters pursuant to this section or section 115.165, or  
65 return the voter to the active list of registered voters in  
66 the jurisdiction.

67 6. An election authority may exclude inactive voters  
68 to determine only:

69 (1) The number of ballots to be printed pursuant to  
70 section 115.247;

71 (2) The proportional costs of elections; or

72 (3) Mailing information to registered voters.

115.221. [Notwithstanding any other provisions of law  
2 to the contrary,]

3       **1.** Each election authority may [have] **inspect** the  
4 voting records [inspected and may] **of all precincts in its**  
5 **jurisdiction.**

6       **2. (1)** Each election authority shall investigate the  
7 qualifications of any person who has not [voted] **engaged in**  
8 **voter activity** or **has** transferred his **or her** registration  
9 within the [four] **two** preceding calendar years.

10       **(2)** If an election authority determines that a  
11 **registered voter has not engaged in voter activity within**  
12 **the two preceding calendar years, the election authority**  
13 **shall include such registered voter in any canvass conducted**  
14 **pursuant to section 115.181.**

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