

FIRST REGULAR SESSION

SENATE BILL NO. 182

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

0618S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.133, 115.155, and 115.161, RSMo, and to enact in lieu thereof five new sections relating to voting accessibility for persons with disabilities.

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

Section A. Sections 115.133, 115.155, and 115.161, RSMo,
2 are repealed and five new sections enacted in lieu thereof, to
3 be known as sections 115.133, 115.134, 115.155, 115.161, and
4 115.226, to read as follows:

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

7 2. No person who is adjudged incapacitated shall be
8 entitled to register or vote. No person shall be entitled
9 to vote:

- 10 (1) While confined under a sentence of imprisonment;
11 (2) While on probation or parole after conviction of a
12 felony, until finally discharged from such probation or
13 parole; or
14 (3) After conviction of a felony or misdemeanor
15 connected with the right of suffrage.

16 3. Except as provided in federal law or federal
17 elections and in section 115.277, no person shall be

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

18 entitled to vote if the person has not registered to vote in
19 the jurisdiction of his or her residence prior to the
20 deadline to register to vote.

21 **4. A person with disabilities under a conservatorship**
22 **or an incapacitated person under a guardianship may register**
23 **to vote, provided a court order has not made findings of**
24 **fact by clear and convincing evidence that the person cannot**
25 **communicate, with or without reasonable accommodations, a**
26 **desire to participate in the voting process pursuant to**
27 **section 115.134 and the individual is not otherwise**
28 **disqualified from voting.**

 115.134. 1. A person is presumed competent to vote
2 regardless of his or her guardianship or conservatorship
3 status. A person shall be deemed mentally incapacitated for
4 purposes of voting, if, during the course of any proceedings
5 establishing a guardian or conservator, the court finds by
6 clear and convincing evidence that the person cannot
7 communicate, with or without reasonable accommodations, a
8 desire to participate in the voting process, and a guardian
9 or conservator for the person or the person's estate is
10 appointed pursuant to chapter 475.

11 **2. If an order establishing a guardianship or**
12 **conservatorship is made and in connection with the order it**
13 **is found by clear and convincing evidence that the person**
14 **cannot communicate, with or without reasonable**
15 **accommodations, a desire to participate in the voting**
16 **process, the court shall forward the order and determination**
17 **to the secretary of state and the election authority in the**
18 **person's jurisdiction in the format prescribed by the**
19 **secretary of state.**

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

4 APPLICATION FOR REGISTRATION

5 Are you a citizen of the United States?

6 YES NO

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

8 YES NO

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

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

19
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
32 (Optional)

33 _____
 34 Telephone Number _____ Mother's Maiden
 35 (Optional) Name (Optional)

36 _____
 37 Occupation _____ Last Place
 38 (Optional) Previously
 39 Registered

40 _____
 41 Last four digits of _____ Under What Name
 42 Social Security
 43 Number
 44 (Required for
 45 registration unless
 46 no Social Security
 47 Number exists for
 48 Applicant)

49
 50 Remarks: _____
 51 When

52 Political Party
 53 Affiliation
 54 (OPTIONAL: You shall
 55 be unaffiliated
 56 unless you designate
 57 an affiliation.)

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

66 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM
 67 NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS
 68 ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF

69 NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO
70 THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR
71 BY BOTH SUCH IMPRISONMENT AND FINE.

72 _____
73 Signature of Voter Date
74 _____
75 Signature of Election Official

76 2. The options for political party affiliation
77 required by the application described in subsection 1 of
78 this section shall include all established political parties
79 and an option to be unaffiliated. If an applicant does not
80 designate an affiliation, the election authority shall mark
81 the applicant's form as unaffiliated.

82 3. After supplying all information necessary for the
83 registration records, each applicant who appears in person
84 before the election authority shall swear or affirm the
85 statements on the registration application by signing his or
86 her full name, witnessed by the signature of the election
87 authority or such authority's deputy registration official.
88 Each applicant who applies to register by mail pursuant to
89 section 115.159, or pursuant to section 115.160 or 115.162,
90 shall attest to the statements on the application by his or
91 her signature.

92 4. Upon receipt by mail of a completed and signed
93 voter registration application, a voter registration
94 application forwarded by the division of motor vehicle and
95 drivers licensing of the department of revenue pursuant to
96 section 115.160, or a voter registration agency pursuant to
97 section 115.162, the election authority shall, if satisfied
98 that the applicant is entitled to register, transfer all
99 data necessary for the registration records from the

100 application to its registration system. Within seven
101 business days after receiving the application, the election
102 authority shall send the applicant a verification notice.
103 If such notice is returned as undeliverable by the postal
104 service within the time established by the election
105 authority, the election authority shall not place the
106 applicant's name on the voter registration file.

107 5. If, upon receipt by mail of a voter registration
108 application or a voter registration application forwarded
109 pursuant to section 115.160 or 115.162, the election
110 authority determines that the applicant is not entitled to
111 register, such authority shall, within seven business days
112 after receiving the application, so notify the applicant by
113 mail and state the reason such authority has determined the
114 applicant is not qualified. The applicant may file a
115 complaint with the elections division of the secretary of
116 state's office under and pursuant to section 115.219. If an
117 applicant for voter registration fails to answer the
118 question on the application concerning United States
119 citizenship, the election authority shall notify the
120 applicant of the failure and provide the applicant with an
121 opportunity to complete the form in a timely manner to allow
122 for the completion of the registration form before the next
123 election.

124 6. The secretary of state shall prescribe
125 specifications for voter registration documents so that they
126 are uniform throughout the state of Missouri and comply with
127 the National Voter Registration Act of 1993, including the
128 reporting requirements, and so that registrations, name
129 changes and transfers of registrations within the state may
130 take place as allowed by law.

131 7. All voter registration applications shall be
132 preserved in the office of the election authority.

133 **8. A person with disabilities who is otherwise**
134 **qualified to vote may complete a voter registration form**
135 **with reasonable accommodations, as needed.**

 115.161. **1.** If any person applying to register in
2 person pursuant to this [subchapter] **chapter** is unable to
3 write, the election official shall fill in the registration
4 cards, and the applicant shall sign by mark, witnessed by
5 the election official. The election official shall note the
6 applicant's height in feet and inches, weight, color of eyes
7 and other distinguishing features under the title "Remarks"
8 on the registration cards.

9 **2. A person shall not be disqualified from voting due**
10 **to:**

11 **(1) Signing a voter registration form with a mark**
12 **pursuant to subsection 1 of this section;**

13 **(2) Completing a voter registration form with the**
14 **assistance of another person; or**

15 **(3) Completing a voter registration form with**
16 **reasonable accommodations pursuant to subsection 8 of**
17 **section 115.155.**

 115.226. Each election authority shall ensure that
2 each polling place in its jurisdiction has a sufficient
3 number of voting systems that are accessible for individuals
4 with disabilities. Such systems shall be used for all
5 elections, including municipal elections, and shall comply
6 with the provisions of sections 115.225 to 115.273 as well
7 as Section 301 of the federal Help America Vote Act, 52
8 U.S.C.A. Section 21081.

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