

SECOND REGULAR SESSION

SENATE BILL NO. 1201

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

4113S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 115.637, RSMo, and to enact in lieu thereof one new section relating to election offenses, with penalty provisions.

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

Section A. Section 115.637, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 115.637,
3 to read as follows:

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

9 (1) Stealing or willfully concealing, defacing,
10 mutilating, or destroying any sample ballots that may be
11 furnished by an organization or individual at or near any
12 voting place on election day, except that this subdivision
13 shall not be construed so as to interfere with the right of
14 an individual voter to erase or cause to be erased on a
15 sample ballot the name of any candidate and substituting the
16 name of the person for whom he or she intends to vote; or to
17 dispose of the received sample ballot;

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

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

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

24 (4) On the part of any candidate for election to any
25 office of honor, trust, or profit, offering or promising to
26 discharge the duties of such office for a less sum than the
27 salary, fees, or emoluments as fixed by law or promising to
28 pay back or donate to any public or private interest any
29 portion of such salary, fees, or emolument as an inducement
30 to voters;

31 (5) On the part of any canvasser appointed to canvass
32 any registration list, willfully failing to appear, refusing
33 to continue, or abandoning such canvass or willfully
34 neglecting to perform his duties in making such canvass or
35 willfully neglecting any duties lawfully assigned to him or
36 her;

37 (6) On the part of any employer, making, enforcing, or
38 attempting to enforce any order, rule, or regulation or
39 adopting any other device or method to prevent an employee
40 from engaging in political activities, accepting candidacy
41 for nomination to, election to, or the holding of, political
42 office, holding a position as a member of a political
43 committee, soliciting or receiving funds for political
44 purpose, acting as chairman or participating in a political
45 convention, assuming the conduct of any political campaign,
46 signing, or subscribing his or her name to any initiative,
47 referendum, or recall petition, or any other petition
48 circulated pursuant to law;

49 (7) On the part of any person authorized or employed
50 to print official ballots, or any person employed in
51 printing ballots, giving, delivering, or knowingly
52 permitting to be taken any ballot to or by any person other
53 than the official under whose direction the ballots are
54 being printed, any ballot in any form other than that
55 prescribed by law, or with unauthorized names, with names
56 misspelled, or with the names of candidates arranged in any
57 way other than that authorized by law;

58 (8) On the part of any election authority or official
59 charged by law with the duty of distributing the printed
60 ballots, or any person acting on his or her behalf,
61 knowingly distributing or causing to be distributed any
62 ballot in any manner other than that prescribed by law;

63 (9) Any person having in his or her possession any
64 official ballot, except in the performance of his or her
65 duty as an election authority or official, or in the act of
66 exercising his or her individual voting privilege;

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

69 (11) On the part of any election judge, being
70 willfully absent from the polls on election day without good
71 cause or willfully detaining any election material or
72 equipment and not causing it to be produced at the voting
73 place at the opening of the polls or within fifteen minutes
74 thereafter;

75 (12) On the part of any election authority or
76 official, willfully neglecting, refusing, or omitting to
77 perform any duty required of him or her by law with respect
78 to holding and conducting an election, receiving and
79 counting out the ballots, or making proper returns;

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

84 (14) On the part of any voter, except as otherwise
85 provided by law, [allowing his or her ballot to be seen by
86 any person with the intent of letting it be known how he or
87 she is about to vote or has voted, or] knowingly making a
88 false statement as to his or her inability to mark a ballot;

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

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

94 (17) On the part of any person at any registration
95 site, polling place, counting location or verification
96 location, causing any breach of the peace or engaging in
97 disorderly conduct, violence, or threats of violence whereby
98 such registration, election, count or verification is
99 impeded or interfered with;

100 (18) Exit polling, surveying, sampling,
101 electioneering, distributing election literature, posting
102 signs or placing vehicles bearing signs with respect to any
103 candidate or question to be voted on at an election on
104 election day inside the building in which a polling place is
105 located or within twenty-five feet of the building's outer
106 door closest to the polling place, or, on the part of any
107 person, refusing to remove or permit removal from property
108 owned or controlled by such person, any such election sign
109 or literature located within such distance on such day after
110 request for removal by any person;

111 (19) Stealing or willfully defacing, mutilating, or
112 destroying any campaign yard sign on private property,
113 except that this subdivision shall not be construed to
114 interfere with the right of any private property owner to
115 take any action with regard to campaign yard signs on the
116 owner's property and this subdivision shall not be construed
117 to interfere with the right of any candidate, or the
118 candidate's designee, to remove the candidate's campaign
119 yard sign from the owner's private property after the
120 election day.

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