

SECOND REGULAR SESSION

SENATE BILL NO. 983

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3376S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.158 and 115.160, RSMo, and to enact in lieu thereof two new sections relating to voter registration, with penalty provisions.

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

Section A. Sections 115.158 and 115.160, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 115.158 and 115.160, to read as follows:

115.158. 1. The secretary of state shall implement a
2 centralized, interactive computerized statewide voter
3 registration list. This computerized list shall be known as
4 the "Missouri Voter Registration System". The system shall
5 be implemented by January 1, 2004, unless a waiver is
6 obtained pursuant to the Help America Vote Act of 2002. If
7 a waiver is obtained, the system shall be implemented by
8 January 1, 2006. The system shall be maintained and
9 administered by the secretary of state and contain the name
10 and registration information of every legally registered
11 voter in Missouri. In addition, the system shall:

12 (1) Assign a unique identifier to each legally
13 registered voter in Missouri;

14 (2) Serve as the single system for storing and
15 managing the official list of registered voters throughout
16 Missouri;

17 (3) Be coordinated with other agency databases in
18 Missouri;

19 (4) Allow any election official in Missouri, including
20 local election authorities, immediate electronic access to
21 the information contained in the system;

22 (5) Allow all voter registration information obtained
23 by any local election official in Missouri to be
24 electronically entered into the system on an expedited basis
25 at the time the information is provided to the local
26 official. The secretary of state, as the chief state
27 election official, shall provide such support as may be
28 required so that local election officials are able to enter
29 the registration information; and

30 (6) Serve as the official voter registration list for
31 the conduct of all elections in Missouri.

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

35 (1) Removing names in accordance with the provisions
36 and procedures of the National Voter Registration Act of
37 1993 and coordinating system maintenance activities with
38 state agency records on death and felony status;

39 (2) Requiring the name of each registered voter to
40 appear in the system;

41 (3) Removing only voters who are not registered or who
42 are not eligible to vote; and

43 (4) Eliminating duplicate names from the system.

44 3. The secretary of state shall provide adequate
45 technological security measures to prevent the unauthorized
46 access to the system established pursuant to this section.

47 4. The secretary of state shall develop procedures to
48 ensure that voter registration records within the system are

49 accurate and updated regularly. At a minimum, the
50 procedures shall include:

51 (1) A system of file maintenance that makes a
52 reasonable effort to remove registrants who are ineligible
53 to vote. Consistent with the National Voter Registration
54 Act of 1993, registrants who have not responded to a notice
55 and who have not voted in two consecutive general elections
56 for federal office shall be removed from the official list
57 of eligible voters, except that no registrant may be removed
58 solely by reason of a failure to vote; and

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

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

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

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

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

72 (2) If an applicant for voter registration has not
73 been issued a current and valid driver's license or a Social
74 Security number, the applicant shall be assigned a number
75 which will serve to identify the applicant for voter
76 registration purposes. The number assigned under this
77 subdivision shall be used as the unique identifying number
78 within the system.

79 (3) The secretary of state and the director of the
80 department of revenue shall enter into an agreement to match

81 information in the database of the voter registration system
82 with information in the database of the motor vehicle
83 system, **which shall include information pertaining to the**
84 **citizenship status of those within the department of**
85 **revenue's database**, to enable the secretary to verify the
86 accuracy of information provided on applications for voter
87 registration.

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

91 6. In addition to using the system for voter
92 registration, the election authorities and secretary of
93 state may use the system for the collection and
94 dissemination of election results and other pertinent
95 information. Any information contained in any state or
96 local voter registration system, limited to the master voter
97 registration list or any other list generated from the
98 information, subject to chapter 610, shall not be used for
99 commercial purposes; provided, however, that the information
100 may be used for elections, for candidates, or for ballot
101 measures, furnished at a reasonable fee. Violation of this
102 section shall be a class B misdemeanor. For purposes of
103 this section, "commercial purposes" means the use of a
104 public record for the purpose of sale or resale or for the
105 purpose of producing a document containing all or part of
106 the copy, printout, or photograph for sale or the obtaining
107 of names and addresses from public records for the purpose
108 of solicitation or the sale of names and addresses to
109 another for the purpose of solicitation or for any purpose
110 in which the purchaser can reasonably anticipate the receipt
111 of monetary gain from the direct or indirect use of the
112 public record.

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

116 8. The secretary of state may promulgate rules to
117 execute this section. No rule or portion of a rule
118 promulgated pursuant to the authority of this section shall
119 become effective unless it has been promulgated pursuant to
120 chapter 536.

121 9. Election authorities and any agency required under
122 the National Voter Registration Act of 1993 to accept voter
123 registration applications shall forward registration and
124 other data in a manner prescribed by the secretary of state
125 to assist with administering and maintaining the Missouri
126 voter registration system in accordance with the Help
127 America Vote Act of 2002.

 115.160. 1. All Missouri driver's license applicants
2 shall receive a voter registration application form as a
3 simultaneous part of the application for a driver's license,
4 renewal of driver's license, change of address, duplicate
5 request and a nondriver's license.

6 2. If a single application form is used, the voter
7 registration application portion of any application
8 described in subsection 1 of this section may not require
9 any information that duplicates information required in the
10 driver's license portion of the form, except a second
11 signature or other information required by law.

12 3. After conferring with the secretary of state as the
13 chief state election official responsible for overseeing of
14 the voter registration process, the director of revenue
15 shall adopt rules and regulations pertaining to the format
16 of the voter registration application used by the
17 department. The director of revenue shall utilize

18 electronic voter registration application forms and provide
19 for secure electronic transfer of voter registration
20 information to election authorities. The secretary of state
21 and the director of revenue shall ensure the confidentiality
22 and integrity of the voter registration data collected,
23 maintained, received, or transmitted under this section.

24 4. No information relating to the failure of an
25 applicant for a driver's license or nondriver's license to
26 sign a voter registration application may be used for any
27 purpose other than voter registration.

28 5. Any voter registration application received
29 pursuant to the provisions of this section shall be
30 forwarded, in a secure and electronic manner, to the
31 election authority located within that county or any city
32 not within a county, or if there is more than one election
33 authority within the county, then to the election authority
34 located nearest to the location where the driver's license
35 application was received. Voter registration information,
36 including an electronic image of the signature of the
37 applicant, shall be transmitted in a format compatible with
38 the Missouri voter registration system established in
39 section 115.158 which allows for review by the election
40 authority and does not require the election authority to
41 manually reenter the information, provided that the election
42 authority shall print out a paper copy of the information
43 and retain such information in the manner required by
44 section 115.145. The election authority receiving the
45 application forms shall review the applications and forward,
46 in a secure and electronic manner, any applications
47 pertaining to a different election authority to that
48 election authority.

49 6. A completed voter registration application accepted
50 in the driver's licensing process shall be transmitted to
51 the election authority described in subsection 5 of this
52 section not later than three business days after the form is
53 completed by the applicant.

54 7. Any person registering to vote when applying for or
55 renewing a Missouri driver's license shall submit with the
56 application form a copy of a birth certificate, a Native
57 American tribal document, or other proof of United States
58 citizenship, a valid Missouri driver's license, or other
59 form of personal identification. Any person who, at the
60 time of a transaction with the division of motor vehicle and
61 driver licensing of the department of revenue, provides a
62 document that establishes noncitizenship shall not be
63 offered the opportunity to register to vote as part of the
64 transaction. **The division of motor vehicle and driver**
65 **licensing shall determine whether an applicant for a**
66 **driver's license has the requisite proof of citizenship**
67 **needed to register to vote. The division shall only provide**
68 **an opportunity to register to vote to a customer who**
69 **provides documentation demonstrating that the individual is**
70 **a citizen of the United States.**

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