

SECOND REGULAR SESSION

HOUSE BILL NO. 1549

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSKINS (Sponsor), BLAND, SANDERS BROOKS,
THOMPSON, JOHNSON (61), WILSON (42), HUBBARD AND BOYKINS (Co-sponsors).

Read 1st time February 23, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4643L.011

AN ACT

To repeal sections 115.135, 115.145, 115.162, and 115.425, RSMo, and to enact in lieu thereof five new sections relating to voter registration.

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

Section A. Sections 115.135, 115.145, 115.162, and 115.425, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 115.135, 115.138, 115.145,
3 115.162, and 115.425, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote
2 on or before the day of election, shall be entitled to register in the jurisdiction within which he
3 or she resides. In order to vote in any election for which registration is required, a person must
4 be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the
5 normal closing time of any public building where the registration is being held if such time is
6 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an
7 interstate former resident, an intrastate new resident or a new resident, as defined in section
8 115.275, **or unless the voter has registered on the day of the election under section 115.138.**
9 In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday
10 prior to the election **unless the person registers on election day under section 115.138.** Any
11 person registering after such date shall be eligible to vote in subsequent elections.

12 2. A person applying to register with an election authority or a deputy registration official
13 shall present a valid Missouri drivers license or other form of personal identification at the time
14 of registration.

15 3. Except as provided in federal law or federal elections and in section 115.277, no

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

16 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
17 or her residence prior to the deadline to register to vote, **unless the voter has registered on the**
18 **day of the election under section 115.138.**

115.138. 1. Any individual qualified to vote under section 115.133 may register to
2 **vote on election day if the individual:**

3 **(1) Appears in person at the polling place in the jurisdiction of the individual's**
4 **residence;**

5 **(2) Presents a valid Missouri drivers license or other form of personal identification**
6 **approved under this chapter; and**

7 **(3) Completes the voter registration application form under section 115.155.**

8 **2. Registration at the polling place on election day shall be conducted by the**
9 **election authority or the election judges. The election authority member or election judge**
10 **who registers an individual at the polling place on election day shall not handle that voter's**
11 **ballots at any time before the opening of the ballot box after the voting ends.**

12 **3. Voter registration application forms completed on election day shall be kept in**
13 **a separate, locked box. After the time fixed by law for the opening of the polls but before**
14 **the voting begins, the election judges shall open the voter registration application form box**
15 **and show to all present that it is empty. The box shall then be locked and the key kept by**
16 **one of the election judges. The box shall not be opened or removed from public view from**
17 **the time it is shown to be empty until the box is delivered to the election authority with**
18 **jurisdiction over the polling place. The election authority shall add the individuals who**
19 **have registered on election day to the precinct register under this chapter.**

20 **4. The secretary of state shall promulgate rules and regulations to administer this**
21 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
22 **that is created under the authority delegated in this section shall become effective only if**
23 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
24 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
25 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
26 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
27 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
28 **adopted after August 28, 2004, shall be invalid and void.**

115.145. Each election authority shall have the following duties with respect to
2 **registration:**

3 **(1) To conduct registration at its office or offices throughout the entire year, including**
4 **any four-week period prior to an election for the purpose of registration of persons for**
5 **subsequent elections, on all usual business days and during its regular office hours in the manner**

6 required by this chapter, **and to conduct registration at each place of polling under this**
7 **chapter;**

8 (2) To instruct and direct each deputy registration official in the performance of his or
9 her duties including those agencies mandated and optional, including as optional any institution
10 of higher education located in the state, under the National Voter Registration Act of 1993 and
11 to supply each deputy with the proper registration forms and other necessary supplies;

12 (3) To designate the times, dates and places or areas for additional voter registration by
13 any deputy appointed pursuant to subsection 2 of section 115.143, and to publicize the times,
14 dates and places or areas of such registration in any manner reasonably calculated to inform the
15 public; provided, that the place or area for voter registration by deputies appointed under
16 subsection 3 of section 115.143 shall be located in the school for which the deputy has been
17 appointed;

18 (4) Retain all voter registration records and registration list maintenance records for a
19 minimum of two years. The election authority shall compile data from the records as may be
20 necessary for compliance with the National Voter Registration Act of 1993;

21 (5) Number or use another system of identifying the original agency of the voter
22 registration application.

115.162. 1. A voter registration application shall be provided by the secretary of state
2 in all **places of polling, all** offices of the state that provide public assistance, all offices that
3 provide state-funded programs primarily engaged in providing services to persons with
4 disabilities, and other offices as directed by the governor. In addition all armed forces
5 recruitment offices shall be considered a voter registration agency.

6 2. At each voter registration agency, the following services shall be made available:

7 (1) Assistance to applicants in completing voter registration application forms, unless
8 the applicant refuses such assistance;

9 (2) Acceptance of completed voter registration application forms for transmittal to the
10 election authority located in the same county or any city not within a county, or if there is more
11 than one election authority within the county, to the election authority nearest to the office of the
12 agency. The election authority receiving the application forms shall review the applications and
13 forward any applications pertaining to a different election authority to that election authority;

14 (3) Voter registration sites shall transmit voter registration application forms to the
15 appropriate election authority not later than five business days after the form is completed by the
16 applicant;

17 (4) If a voter registration agency provides services to a person with a disability at the
18 person's home, the agency shall provide the services provided in this section at the person's
19 home.

20 3. An applicant declining to register in any agency shall be noted in a declination section
21 incorporated into the voter registration form used by the agency. No information relating to a
22 declination to register to vote in connection with an application made at a voter registration
23 agency may be used for any purpose other than voter registration.

 115.425. Except as provided in subsection 2 of section 115.277, **or unless an individual**
2 **has registered to vote on election day under section 115.138**, the election judges shall allow
3 no person to vote whose name does not appear in the precinct register without the express
4 sanction of the election authority.