

SECOND REGULAR SESSION

HOUSE BILL NO. 1574

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES VIEBROCK (Sponsor), REINHART, BAKER, WILSON (119),
DEEKEN AND HANAWAY (Co-sponsors).

Read 1st time February 26, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4243L.011

AN ACT

To repeal sections 115.635 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to election offenses of the third and fourth classes, with penalty provisions.

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

Section A. Sections 115.635 and 115.637, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.635 and 115.637, to read as follows:

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

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
7 procure, any money or valuable consideration, office, or place of employment, to or for any
8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any
9 voter to vote or refrain from voting or corruptly doing any such act on account of such voter
10 having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or
12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person,
13 in order to induce or compel such person to vote or refrain from voting at any election;

14 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or
15 any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by
16 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter

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.

17 to vote or refrain from voting at any election;

18 (4) Giving, or making an agreement to give, any money, property, right in action, or
19 other gratuity or reward, in consideration of any grant or deputation of office;

20 (5) Bringing into this state any nonresident person with intent that such person shall vote
21 at an election without possessing the requisite qualifications;

22 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or
23 other device or agreeing or contracting for any money, gift, office, employment, or other reward,
24 for giving, or refraining from giving, his or her vote in any election;

25 (7) Removing, destroying or altering any supplies or information placed in or near a
26 voting booth for the purpose of enabling a voter to prepare his or her ballot;

27 (8) Entering a voting booth or compartment except as specifically authorized by law;

28 (9) On the part of any election official, challenger, watcher or person assisting a person
29 to vote, revealing or disclosing any information as to how any voter may have voted, indicated
30 that the person had voted except as authorized by this chapter, indicated an intent to vote or
31 offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding
32 relating to an election offense;

33 (10) On the part of any registration or election official, refusing to permit any person to
34 register to vote or to vote when such official knows the person is legally entitled to register or
35 legally entitled to vote;

36 (11) Attempting to commit or participating in an attempt to commit any class one or
37 class two election offense;

38 **(12) Using a cellular or other wireless device to record, photograph, copy, or**
39 **transmit the content of a voted ballot to any person or destination not authorized by this**
40 **chapter to receive such information.**

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

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

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent

13 sample ballots which appear on their face to be designed as a fraud upon voters;

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

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

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform [his] **the** duties in making such canvass or willfully neglecting any duties lawfully
23 assigned to [him] **the canvasser**;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as [chairman] **chair** or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing [his] **the employee's**
30 name to any initiative, referendum, or recall petition, or any other petition circulated pursuant
31 to law;

32 (7) On the part of any person authorized or employed to print official ballots, or any
33 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
34 ballot to or by any person other than the official under whose direction the ballots are being
35 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
36 with names misspelled, or with the names of candidates arranged in any way other than that
37 authorized by law;

38 (8) On the part of any election authority or official charged by law with the duty of
39 distributing the printed ballots, or any person acting on [his] **the election authority's or**
40 **official's** behalf, knowingly distributing or causing to be distributed any ballot in any manner
41 other than that prescribed by law;

42 (9) Any person [having in his possession] **possessing** any official ballot, except in the
43 performance of [his] **the** duty as an election authority or official, or in the act of exercising [his]
44 **the person's** individual voting privilege;

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

46 (11) On the part of any election judge, willfully [absenting himself] **being absent** from
47 the polls on election day without good cause or willfully detaining any election material or
48 equipment and not causing it to be produced at the voting place at the opening of the polls or

49 within fifteen minutes thereafter;

50 (12) On the part of any election authority or official, willfully neglecting, refusing, or
51 omitting to perform any duty required [of him] by law with respect to holding and conducting
52 an election, receiving and counting out the ballots, or making proper returns;

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

56 (14) On the part of any voter, except as otherwise provided by law, allowing [his] **the**
57 **voter's** ballot to be seen by any person with the intent of letting it be known how [he] **the voter**
58 is about to vote or has voted, or knowingly making a false statement as to [his] **the voter's**
59 inability to mark [his] **the** ballot;

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

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

63 (17) On the part of any person at any registration site, polling place, counting location
64 or verification location, causing any breach of the peace or engaging in disorderly conduct,
65 violence, or threats of violence whereby such registration, election, count or verification is
66 impeded or interfered with;

67 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
68 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
69 voted on at an election on election day inside the building in which a polling place is located or
70 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
71 any person, refusing to remove or permit removal from property owned or controlled by [him]
72 **the person**, any such election sign or literature located within such distance on such day after
73 request for removal by any person;

74 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
75 private property, except that this subdivision shall not be construed to interfere with the right of
76 any private property owner to take any action with regard to campaign yard signs on the owner's
77 property and this subdivision shall not be construed to interfere with the right of any candidate,
78 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
79 private property after the election day;

80 **(20) On the part of any voter, except as otherwise provided by law, using a cellular**
81 **or other wireless device in the polling place with the intent of giving or receiving**
82 **information on how the voter is about to vote or has voted.**