

FIRST REGULAR SESSION

# HOUSE BILL NO. 349

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SKAGGS (Sponsor), FRAME, SWINGER, CORCORAN, ZIMMERMAN, BURNETT, TALBOY, ZWEIFEL, LOW (39), MEADOWS, LeVOTA, WILDBERGER, GEORGE, QUINN (9), ROORDA, SCHIEFFER, NORR, LAMPE, STORCH, GRILL AND KUESSNER (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1017L.011

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### AN ACT

To repeal section 115.631, RSMo, and to enact in lieu thereof three new sections relating to elections, with penalty provisions.

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

Section A. Section 115.631, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 115.156, 115.628, and 115.631, to read as follows:

- 115.156. 1. Each individual who requests fifty or more voter registration applications from the secretary of state or an election authority and who is not a deputy registration official, whether the individual makes the request on the individual's own behalf or on behalf of any other individual, group, or organization, shall be at least eighteen years of age, and shall submit the information required by this section before receiving the applications. The secretary of state shall preserve the information required by this section.**
- 2. The following information shall be provided on a form furnished by the secretary of state or the election official to receive voter registration applications under this section:**
- (1) The requesting individual's name;**
  - (2) The address of the requesting individual's place of residence, or a mailing address, if different;**
  - (3) The requesting individual's telephone number;**

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

14           **(4) An indication whether the request is on the individual's own behalf or on behalf**  
15 **of another individual, group, or organization;**

16           **(5) The name of any other individual, group, or organization for which the**  
17 **individual is requesting the voter registration applications, if applicable;**

18           **(6) A statement that the requesting individual swears or affirms under penalty of**  
19 **perjury that the information provided in the form is true and correct;**

20           **(7) The requesting individual's signature.**

21           **3. The secretary of state shall make registration training available to individuals**  
22 **requesting voter registration applications under this section in a manner prescribed by the**  
23 **secretary of state. If the voter registration applications are requested on behalf of a group**  
24 **or organization, the training shall be made available to each person who will distribute the**  
25 **voter registration applications provided to the group or organization.**

26           **4. Any individual who knowingly swears or affirms falsely as to any information**  
27 **required in this section shall, upon conviction, be punished by fine of not more than ten**  
28 **thousand dollars or by imprisonment in the county jail for not more than one year, or by**  
29 **both such fine and imprisonment.**

**115.628. 1. Any individual who knowingly signs any name other than the**  
2 **individual's own name to any voter registration application shall be guilty of a class B**  
3 **felony connected with the exercise of the right of suffrage.**

4           **2. Any individual who knowingly furnishes false identification to an election official**  
5 **in order to cast a ballot under section 115.427 shall be guilty of a class B felony connected**  
6 **with the exercise of the right of suffrage.**

7           **3. Any individual who willfully and falsely completes the certificate, affidavit,**  
8 **statement, or ballot of another individual under section 115.283 or 115.284 shall be guilty**  
9 **of a class B felony connected with the exercise of the right of suffrage.**

**115.631. In addition to the offenses provided for in section 115.628, the following**  
2 **offenses, and any others specifically so described by law, shall be class one election offenses and**  
3 **are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of**  
4 **these offenses shall be punished by imprisonment of not more than five years or by fine of not**  
5 **less than two thousand five hundred dollars but not more than ten thousand dollars or by both**  
6 **such imprisonment and fine:**

7           **(1) Willfully and falsely making any certificate, affidavit, or statement required to be**  
8 **made pursuant to any provision of sections 115.001 to 115.641 [and sections 51.450 and 51.460,**  
9 **RSMo], including but not limited to statements specifically required to be made "under penalty**  
10 **of perjury"; or in any other manner knowingly furnishing false information to an election**  
11 **authority or election official engaged in any lawful duty or action in such a way as to hinder or**

12 mislead the authority or official in the performance of official duties. If an individual willfully  
13 and falsely makes any certificate, affidavit, or statement required to be made under section  
14 115.155, including but not limited to statements specifically required to be made "under penalty  
15 of perjury", such individual shall be guilty of a class C felony;

16 (2) Voting more than once or voting at any election knowing that the person is not  
17 entitled to vote or that the person has already voted on the same day at another location inside  
18 or outside the state of Missouri;

19 (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or  
20 knowingly procuring an illegal vote to be cast at any election;

21 (4) Applying for a ballot in the name of any other person, whether the name be that of  
22 a person living or dead or of a fictitious person, or applying for a ballot in his own or any other  
23 name after having once voted at the election inside or outside the state of Missouri;

24 (5) Aiding, abetting or advising another person to vote knowing the person is not legally  
25 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

26 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box  
27 at the opening of the polls and before the voting commences;

28 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or  
29 knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected,  
30 or otherwise defrauding him of his vote;

31 (8) An election judge knowingly placing or attempting to place or permitting any ballot,  
32 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the  
33 ballot is offered by a qualified voter as provided by law;

34 (9) Knowingly placing or attempting to place or causing to be placed any false or  
35 fraudulent or bogus ballot in a ballot box at any election;

36 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing  
37 the true and lawful count of any election or in any other manner knowingly changing the true and  
38 lawful count of any election;

39 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after  
40 it has been voted for the purpose of changing the lawful count of any election;

41 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,  
42 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

43 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet  
44 or election return, receiving, tallying or counting a poll list, tally sheet or election return the  
45 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of  
46 any election;

47 (14) On the part of any person whose duty it is to grant certificates of election, or in any  
48 manner declare the result of an election, granting a certificate to a person the person knows is not  
49 entitled to receive the certificate, or declaring any election result the person knows is based upon  
50 fraudulent, fictitious or illegal votes or returns;

51 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,  
52 after the ballots have been prepared for use at an election and during the time they are required  
53 by law to be preserved in the custody of the election judges or the election authority;

54 (16) Willfully tampering with, disarranging, altering the information on, defacing,  
55 impairing or destroying any voting machine or marking device after the machine or marking  
56 device has been prepared for use at an election and during the time it is required by law to remain  
57 locked and sealed with intent to impair the functioning of the machine or marking device at an  
58 election, mislead any voter at the election, or to destroy or change the count or record of votes  
59 on such machine;

60 (17) Registering to vote knowing the person is not legally entitled to register or  
61 registering in the name of another person, whether the name be that of a person living or dead  
62 or of a fictitious person;

63 (18) Procuring any other person to register knowing the person is not legally entitled to  
64 register, or aiding, abetting or advising another person to register knowing the person is not  
65 legally entitled to register;

66 (19) Knowingly preparing, altering or substituting any computer program or other  
67 counting equipment to give an untrue or unlawful result of an election;

68 (20) On the part of any person assisting a blind or disabled person to vote, knowingly  
69 failing to cast such person's vote as such person directs;

70 (21) On the part of any registration or election official, permitting any person to register  
71 to vote or to vote when such official knows the person is not legally entitled to register or not  
72 legally entitled to vote;

73 (22) On the part of a notary public acting in his official capacity, knowingly violating  
74 any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to  
75 elections;

76 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any  
77 provision of law pertaining to absentee voting;

78 (24) Assisting a person to vote knowing such person is not legally entitled to such  
79 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any  
80 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from  
81 voting on any question, ticket or candidate;

82           (25) Engaging in any act of violence, destruction of property having a value of five  
83 hundred dollars or more, or threatening an act of violence with the intent of denying a person's  
84 lawful right to vote or to participate in the election process; and

85           (26) Knowingly providing false information about election procedures for the purpose  
86 of preventing any person from going to the polls.

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