

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2321
94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 12, 2008, with recommendation that the Senate Committee Substitute do pass.

5371S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.631, 116.080, and 116.090, RSMo, and to enact in lieu thereof four new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.631, 116.080, and 116.090, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 115.164,
3 115.631, 116.080, and 116.090, to read as follows:

115.164. 1. The secretary of state's office shall send voter
2 registration application forms to applicants for resident hunting or
3 fishing permits as required in this section. Beginning September 1,
4 2008, and every first business day of the month thereafter, the secretary
5 of state's office shall request from the department of conservation the
6 point-of-sale database records of all applicants for resident hunting and
7 fishing permits. Upon transfer of the database records as authorized
8 in section 252.228, RSMo, the secretary of state's office shall compare
9 such records with the Missouri voter registration system. Any hunting
10 or fishing permit applicant who is eligible but not registered to vote
11 shall be sent a voter registration application form. Such form shall be
12 mailed to the address of record on such applicant's permit application
13 within five days after the secretary of state's office receives the point-
14 of-sale database records from the department of conservation.

15 2. Beginning on September 1, 2008, and on September one each
16 year thereafter the board of probation and parole shall provide the

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

17 **secretary of state with a record of each individual released from**
18 **probation or parole within that year. Upon receipt of the records, the**
19 **secretary of state's office shall compare such records with the Missouri**
20 **voter registration system. Any individual who is eligible but not**
21 **registered to vote shall be sent a voter registration application.**

115.631. The following offenses, and any others specifically so described
2 by law, shall be class one election offenses and are deemed felonies connected
3 with the exercise of the right of suffrage. Conviction for any of these offenses
4 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
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, RSMo, including but not limited to statements
10 specifically required to be made "under penalty of perjury"; or in any other
11 manner knowingly furnishing false information to an election authority or
12 election official engaged in any lawful duty or action in such a way as to hinder
13 or mislead the authority or official in the performance of official duties. **Any**
14 **other provision in this section notwithstanding**, if an individual willfully
15 and falsely makes any certificate, affidavit, or statement required to be made
16 under section 115.155, including but not limited to statements specifically
17 required to be made "under penalty of perjury", such individual shall be guilty of
18 a class C felony, **except that an individual who knowingly signs any name**
19 **other than his or her own to any voter registration application shall be**
20 **guilty of a class B felony. Any other provision in this section**
21 **notwithstanding, if an individual furnishes identification to an election**
22 **official in order to cast a ballot as required under section 115.427 with**
23 **the knowledge that such identification is false, such individual shall be**
24 **guilty of a class B felony;**

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

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

30 (4) Applying for a ballot in the name of any other person, whether the
31 name be that of a person living or dead or of a fictitious person, or applying for

32 a ballot in his own or any other name after having once voted at the election
33 inside or outside the state of Missouri;

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

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

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

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

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

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

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

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

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

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

66 (15) Willfully destroying or damaging any official ballots, whether marked
67 or unmarked, after the ballots have been prepared for use at an election and

68 during the time they are required by law to be preserved in the custody of the
69 election judges or the election authority;

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

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

80 (18) Procuring any other person to register knowing the person is not
81 legally entitled to register, or aiding, abetting or advising another person to
82 register knowing the person is not legally entitled to register;

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

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

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

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

93 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
94 of any provision of law pertaining to absentee voting. **Any other provision in**
95 **this section notwithstanding, if an individual willfully and falsely**
96 **completes the certificate, affidavit, statement, or ballot of another**
97 **individual under the provisions of sections 115.283 and 115.284,**
98 **including but not limited to statements specifically required to be made**
99 **under penalty of perjury, such individual shall be guilty of a class B**
100 **felony;**

101 (24) Assisting a person to vote knowing such person is not legally entitled
102 to such assistance, or while assisting a person to vote who is legally entitled to
103 such assistance, in any manner coercing, requesting or suggesting that the voter

104 vote for or against, or refrain from voting on any question, ticket or candidate;
105 (25) Engaging in any act of violence, destruction of property having a
106 value of five hundred dollars or more, or threatening an act of violence with the
107 intent of denying a person's lawful right to vote or to participate in the election
108 process; and
109 (26) Knowingly providing false information about election procedures for
110 the purpose of preventing any person from going to the polls.

116.080. 1. Each petition circulator shall be at least eighteen years of
2 age, **a Missouri resident**, and registered with the secretary of state. **No**
3 **person shall qualify as a petition circulator who has been convicted of,**
4 **or found guilty of, or pled guilty to an offense involving forgery under**
5 **the laws of this state, or an offense under the laws of any other**
6 **jurisdiction if that offense would be considered forgery under the laws**
7 **of this state. No petition circulator shall be paid on a per signature**
8 **basis, receive any signature by mail or via the Internet, or circulate**
9 **more than one petition concurrently.** Signatures collected by any circulator
10 who has not registered with the secretary of state pursuant to this chapter on or
11 before 5:00 p.m. on the final day for filing petitions with the secretary of state
12 shall not be counted. **Signatures collected by any circulator who has been**
13 **paid on a per signature basis, received any signature by mail or via the**
14 **Internet, or circulated more than one petition concurrently shall not be**
15 **counted.**

16 2. Each petition circulator shall supply the following information to the
17 secretary of state's office:

18 (1) Name of petition;
19 (2) Name of circulator;
20 (3) Residential address, including street number, city, state and zip code;
21 (4) **Proof of Missouri resident status which shall include a valid**
22 **Missouri driver's license or other identification issued by the state or**
23 **a copy of a current utility bill, bank statement, government check,**
24 **paycheck, or other government document that contains the name and**
25 **address of the circulator;**

26 (5) Mailing address, if different;

27 [(5) Have you been or] (6) Do you expect to be paid for soliciting
28 signatures for this petition?

29 ☐ YES

☐ NO

30 [(6)] (7) If the answer to subdivision (5) is yes, then identify the payor;
31 [(7)] (8) Signature of circulator.

32 3. The circulator information required in subsection 2 of this section shall
33 be submitted to the secretary of state's office with the following oath and
34 affirmation:

35 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT
36 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT, THAT I HAVE
37 NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
38 TO ANY OFFENSE INVOLVING FORGERY. I HEREBY SWEAR OR
39 AFFIRM UNDER PENALTY OF LAW THAT I AM LEGALLY
40 RESPONSIBLE FOR MY SIGNATURE GATHERING ACTIVITIES AND
41 MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT OR
42 DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR
43 OR AFFIRM UNDER PENALTY OF LAW THAT I HAVE NOT AND WILL
44 NOT BE PAID ON A PER SIGNATURE BASIS FOR THE COLLECTION
45 OF ANY SIGNATURE, RECEIVE ANY SIGNATURE BY MAIL OR VIA
46 THE INTERNET, OR CIRCULATE MORE THAN ONE PETITION
47 CONCURRENTLY.

48 4. Each petition circulator shall subscribe and swear to the proper
49 affidavit on each petition page such circulator submits before a notary public
50 commissioned in Missouri. When notarizing a circulator's signature, a notary
51 public shall sign his or her official signature and affix his or her official seal to
52 the affidavit only if the circulator personally appears before the notary and
53 subscribes and swears to the affidavit in his or her presence.

54 5. Any circulator who falsely swears to a circulator's affidavit knowing it
55 to be false, **receives payment for collecting signatures on a per signature**
56 **basis, receives any signature by mail or via the Internet, or circulates**
57 **more than one petition concurrently** is guilty of a class A misdemeanor
58 punishable, notwithstanding the provisions of section 560.021, RSMo, to the
59 contrary, for a term of imprisonment not to exceed one year in the county jail or
60 a fine not to exceed ten thousand dollars or both.

 116.090. 1. Any person who **knowingly** signs any name other than his
2 **or her own** to any petition[, or] **shall, upon conviction thereof be guilty of**
3 **a class one election offense, as defined in section 115.631, RSMo.**

4 **2. Any person** who knowingly signs his or her name more than once for
5 the same measure for the same election, or who knows he or she is not at the

6 time of signing or circulating the same a Missouri registered voter and a resident
7 of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor
8 punishable, notwithstanding the provisions of section [560.021] **560.016**, to the
9 contrary, for a term of imprisonment not to exceed one year in the county jail or
10 a fine not to exceed ten thousand dollars or both.

11 [2.] **3.** Any person who knowingly accepts or offers money or anything of
12 value to another person in exchange for a signature on a petition is guilty of a
13 class A misdemeanor punishable, notwithstanding the provisions of section
14 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to
15 exceed one year in the county jail or a fine not to exceed ten thousand dollars or
16 both.

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