

SECOND REGULAR SESSION

# HOUSE BILL NO. 2541

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HUGHES (Sponsor), CHAPPELLE-NADAL, CURLS, OXFORD, TALBOY, PAGE, HOLSMAN, LeVOTA, LOW (39), HUBBARD, EL-AMIN, SKAGGS, VILLA, MEADOWS, FRAME, MEINERS, LOWE (44), BROWN (50), STORCH, NASHEED AND RUCKER (Co-sponsors).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5587L.011

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### AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to voter caging.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be known as section 115.192, to read as follows:

**115.192. 1. This section shall be known and may be cited as the "Voter Caging Prohibition Act of 2008".**

**2. As used in this section, the following terms mean:**

**(1) "Unverified match list", a list produced by matching the information of registered voters or applicants for voter registration to a list of individuals who are ineligible to vote in the election authority's jurisdiction, by virtue of death, conviction, change of address, or otherwise, unless one of the pieces of information matched includes a signature, photograph, or unique identifying number ensuring that the information from each source refers to the same individual;**

**(2) "Voter caging document", any:**

**(a) Nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or**

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           (b) Any document with instructions to an addressee that the document be returned  
15 to the sender or a third party but is not so returned, despite an attempt to deliver such  
16 document to the address of a registered voter or applicant, unless at least two election  
17 cycles have passed since the date of the attempted delivery;

18           (3) "Voter caging list", a list of individuals compiled from voter caging documents.

19           3. No election authority shall prevent any individual from registering or voting in  
20 any election, nor shall permit in connection with any election a formal challenge under  
21 state law to an individual's registration status or eligibility to vote, if the basis for such  
22 decision is evidence consisting of:

23           (1) A voter caging document or voter caging list;

24           (2) An unverified match list;

25           (3) An error or omission on any record or paper relating to any application,  
26 registration, or other act requisite to voting, if such error or omission is not material to an  
27 individual's eligibility to vote under this chapter.

28           4. No person other than an election authority shall submit a formal challenge under  
29 state law to an individual's eligibility to register to vote in an election or to vote in an  
30 election if the basis for such challenge is evidence consisting of:

31           (1) A voter caging document or voter caging list;

32           (2) An unverified match list;

33           (3) An error or omission on any record or paper relating to any application,  
34 registration, or other act requisite to voting, if such error or omission is not material to an  
35 individual's eligibility to vote under this chapter.

36           5. No person other than the election authority shall submit a formal challenge to  
37 an individual's eligibility to register to vote in an election or to vote in an election unless:

38           (1) The challenger is a registered voter in the precinct in which the challenge is  
39 being made;

40           (2) The challenge is supported by personal, first-hand knowledge regarding the  
41 grounds for ineligibility;

42           (3) The challenge is documented in writing; and

43           (4) The challenger makes an oath or attestation under penalty of perjury that the  
44 individual who is the subject of the challenge is ineligible to register to vote or vote in that  
45 election because the individual does not meet the eligibility requirements to register to vote  
46 or to vote under this chapter.

47           6. Any person other than an election authority who submits a formal challenge  
48 under this section shall file the challenge with the secretary of state at least thirty days  
49 before the election. The secretary of state shall serve the voter whose eligibility to register

50 to vote or to vote with notice by mail at the voter's last known address. Notice shall also  
51 be published in a periodical of general circulation at least twenty-one days before the  
52 election. At least fourteen days before the election, the secretary of state shall hold a public  
53 hearing, at which the person submitting the formal challenge shall appear and present  
54 clear and convincing evidence that the voter is ineligible to register to vote or to vote.  
55 Failure of the challenger to appear shall result in dismissal of the challenge.

56 7. If any challenge by an election authority is resolved against the voter whose  
57 eligibility to register to vote or to vote on the day of the election, the challenged voter shall  
58 be entitled to vote a provisional ballot.

59 8. Any person who knowingly challenges the eligibility of one or more individuals  
60 to register or vote or knowingly causes the eligibility of such individuals to be challenged  
61 in violation of this section with the intent that one or more eligible voters be disqualified  
62 shall be guilty of a class one election offense for each such violation. Each violation shall  
63 be a separate offense.

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