

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 613
95TH GENERAL ASSEMBLY

1695L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 60.010, 78.090, 115.124, 115.350, 115.635, and 115.637, RSMo, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, and to enact in lieu thereof seven 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 60.010, 78.090, 115.124, 115.350, 115.635, and 115.637, RSMo, 2 and section 115.348 as enacted by conference committee substitute for senate substitute for 3 senate committee substitute for house committee substitute for house bill no. 353, ninety-third 4 general assembly, first regular session, and section 115.348 as enacted by conference committee 5 substitute for senate substitute for senate committee substitute for house committee substitute 6 for house bill no. 58, ninety-third general assembly, first regular session, RSMo, are repealed and 7 seven new sections enacted in lieu thereof, to be known as sections 60.010, 78.090, 115.124, 8 115.278, 115.350, 115.635, and 115.637, to read as follows:

60.010. 1. At the regular general election in the year 1948, and every four years 2 thereafter, the voters of each county of this state in counties of the second, third, and fourth 3 classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office 4 for four years and until [his] a successor is duly elected, commissioned, and qualified. The 5 person elected shall be commissioned by the governor.

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.

6 2. No person shall be elected or appointed surveyor unless [he be] **such person is** a
7 citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and
8 shall have resided within the state one whole year. An elected surveyor shall have resided within
9 the county for which [he] **the person** is elected six months immediately prior to [his] election
10 and shall after [his] election continue to reside within the county for which [he] **the person** is
11 surveyor. An appointed surveyor need not reside within the county for which [he] **the person**
12 is surveyor.

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the
14 contrary, the county commission of any county of the third or fourth classification may appoint
15 a surveyor following [a general election in which] **the deadline for filing for the office of**
16 surveyor [is on the ballot,] if no qualified candidate [seeks said] **files for the office in a general**
17 **election in which the office would have been on the ballot, provided that the notice**
18 **required by section 115.345, RSMo, has been published in at least one newspaper of**
19 **general circulation in the county.** The appointed surveyor shall serve at the pleasure of the
20 county commission, however, an appointed surveyor shall forfeit said office once a qualified
21 individual, who has been duly elected at a regularly scheduled general election where the office
22 of surveyor is on the ballot and who has been commissioned by the governor, takes office. The
23 county commission shall fix appropriate compensation, which need not be equal to that of an
24 elected surveyor.

 78.090. 1. Candidates to be voted for at all general municipal elections at which a mayor
2 and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall
3 be nominated by a primary election, **except as provided in this section,** and no other names
4 shall be placed upon the general ballot except those selected in the manner herein prescribed.
5 The primary election for such nomination shall be held on the first Tuesday after the first
6 Monday in February preceding the municipal election.

7 2. (1) **In lieu of conducting a primary election under this section, any city organized**
8 **under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of**
9 **the primary election and the conduct of elections for mayor and councilman as provided**
10 **in this subsection.**

11 (2) **Any person desiring to become a candidate for mayor or councilman shall file**
12 **with the city clerk a signed statement of such candidacy, stating whether such person is a**
13 **resident of the city and a qualified voter of the city, that the person desires to be a**
14 **candidate for nomination to the office of mayor or councilman to be voted upon at the next**
15 **municipal election for such office, that the person is eligible for such office, that the person**
16 **requests to be placed on the ballot, and that such person will serve if elected. Such**
17 **statement shall be sworn to or affirmed before the city clerk.**

18 **(3) The city clerk shall cause the official ballots to be printed, and the names of the**
19 **candidates shall appear on the ballots in the order that their statements of candidacy were**
20 **filed with the city clerk. Above the names of the candidates shall appear the words "Vote**
21 **for (number to be elected)". The ballot shall also include a warning that voting for more**
22 **than the total number of candidates to be elected to any office invalidates the ballot.**

 115.124. 1. [Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any political subdivision or special district except for municipal elections, if the notice provided
3 for in subsection 5 of section 115.127 has been published in at least one newspaper of general
4 circulation in the district, and if the number of candidates who have filed for a particular office
5 is equal to the number of positions in that office to be filled by the election, no election shall be
6 held for such office, and the candidates shall assume the responsibilities of their offices at the
7 same time and in the same manner as if they had been elected.] Notwithstanding any other
8 provision of law to the contrary, if at any election the number of candidates filing for a particular
9 office exceeds the number of positions to be filled at such election, the election authority shall
10 hold the election as scheduled, even if a sufficient number of candidates withdraw from such
11 contest for that office so that the number of candidates remaining after the filing deadline is equal
12 to the number of positions to be filled.

13 2. The election authority or political subdivision responsible for the oversight of the
14 filing of candidates in any nonpartisan election in any political subdivision or special district
15 shall clearly designate where candidates shall form a line to effectuate such filings and determine
16 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
17 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
18 the election authority or political subdivision may determine by random drawing the order in
19 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
20 this subsection, it shall be conducted so that each candidate may draw a number at random at the
21 time of filing. If such drawing is conducted, the election authority or political subdivision shall
22 record the number drawn with the candidate's declaration of candidacy. If such drawing is
23 conducted, the names of candidates filing on the first day of filing for each office on each ballot
24 shall be listed in ascending order of the numbers so drawn.

25 **3. This section shall be known and may be cited as the "Andrew Jackson Vote**
26 **Restoration Act".**

 115.278. 1. As used in this section, "overseas voter" means any permanent resident
2 of this state who is temporarily residing outside of the territorial limits of the United States
3 and the District of Columbia, who is a qualified voter, and who is:

4 **(1) A member of the armed services of the United States while in active service, or**
5 **an eligible spouse or dependent of such member;**

6 (2) A member of the merchant marine of the United States, or an eligible spouse or
7 dependent of such member; or

8 (3) Any other citizen of the United States who is covered under the federal
9 Uniformed and Overseas Citizens Absentee Voting Act, as amended.

10 2. The secretary of state shall establish a program and procedures to allow any
11 overseas voter to receive and cast an absentee ballot using the Internet. The secretary of
12 state shall consider software programs that are based on open source platforms, shall
13 provide support to any local election authority participating in the program, shall provide
14 adequate voter education information to overseas voters, and shall include funding from
15 alternate sources for such program, including making available to local election authorities
16 federal funds provided to the state under the federal Help America Vote Act of 2002, as
17 amended. The secretary shall also consider phased implementation of the program, and
18 such phased implementation shall begin no later than June 30, 2010, and shall be fully
19 implemented by January 1, 2012. Any program or software program chosen shall be
20 secure and shall protect the secrecy of the ballot. No provision in this chapter relating to
21 requirements for automated voting systems shall apply to any program established under
22 this section.

 115.350. No person shall qualify as a candidate for **any** elective public office in the state
2 of Missouri, **including any elective public office of any political subdivision of this state**, who
3 has:

4 (1) Been [convicted of or] found guilty of or pled guilty **or nolo contendere** to a felony
5 under the laws of this state;

6 (2) **Been found guilty of or pled guilty or nolo contendere to any crime in any other**
7 **jurisdiction that would be a felony if committed in this state;**

8 (3) **Been found guilty of or pled guilty or nolo contendere to any felony or**
9 **misdemeanor under the federal laws of the United States of America;**

10 (4) **Been found guilty of or pled guilty or nolo contendere to any crime in this state**
11 **or in any other jurisdiction that involves misconduct in public office or dishonesty.**

 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
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 an electronic recording device to record, photograph, copy, or transmit**
39 **the content of a voted ballot to any person or destination not authorized by this chapter to**
40 **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.

2 [115.348. No person shall qualify as a candidate for elective public office
3 in the state of Missouri who has been found guilty of or pled guilty to a felony or
4 misdemeanor under the federal laws of the United States of America.]

2 [115.348. No person shall qualify as a candidate for elective public office
3 in the state of Missouri who has been convicted of or pled guilty to a felony or
4 misdemeanor under the federal laws of the United States of America.]

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