

SECOND REGULAR SESSION

# HOUSE BILL NO. 1556

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES McNEIL (Sponsor), SCHIEFFER, CHAPPELLE-NADAL,  
ATKINS AND WALTON GRAY (Co-sponsors).

3284L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.079, 115.081, 115.085, 115.089, 115.095, and 115.102, RSMo, and to enact in lieu thereof six new sections relating to election judges, with penalty provisions.

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

Section A. Sections 115.079, 115.081, 115.085, 115.089, 115.095, and 115.102, RSMo,  
2 are repealed and six new sections enacted in lieu thereof, to be known as sections 115.079,  
3 115.081, 115.085, 115.089, 115.095, and 115.102, to read as follows:

115.079. **1.** All election judges in each jurisdiction shall be appointed by the election  
2 authority. **Election judges may be selected at random from a cross-section of the voter**  
3 **registrations of the population within the election authority's jurisdiction, in a manner**  
4 **determined by the election authority. In considering individuals for selection as election**  
5 **judges, the election authority shall consider factors to ensure that nondiscrimination in the**  
6 **representation of the community is served to the greatest extent possible, including but not**  
7 **limited to the individual's party affiliation, geographic location, demographics, and**  
8 **relevant skills and experience.**

9 **2.** All qualified citizens shall have the opportunity to be considered for selection.  
10 **No citizen shall be excluded from selection as a result of discrimination based on the**  
11 **individual's race, color, religion, sex, national origin, or economic status. No citizen shall**  
12 **be excluded from selection unless excused because of ill health or other good and sufficient**  
13 **reason as determined by the election authority.**

14 **3.** The election authority shall notify each individual selected as an election judge  
15 **by a letter mailed at least fifteen days before the required reporting date for the election.**

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.

16           **4. All qualified citizens selected shall fulfill the obligation to serve as an election**  
17 **judge as prescribed by the election authority.**

115.081. 1. Each election authority shall appoint election judges for each polling place  
2 within its jurisdiction in accordance with the provisions of this section.

3           2. In all primary and general elections, the election authority shall appoint at least two  
4 judges from each major political party to serve at each polling place. No major political party  
5 shall have a majority of the judges at any polling place. No established party shall have a greater  
6 number of judges at any polling place than any major political party.

7           3. In any election that is not a primary or general election, the election authority shall  
8 appoint at least one judge from each major political party to serve at each polling place. No  
9 major political party shall have a majority of the judges at any polling place. No established  
10 party shall have a greater number of judges at any polling place than any major political party.

11           4. The election authority shall designate two of the judges appointed for each polling  
12 place, one from each major political party, as supervisory judges. Supervisory judges shall be  
13 responsible for the return of election supplies from the polling place to the election authority and  
14 shall have any additional duties prescribed by the election authority.

15           5. Election judges may be employed to serve for the first half or last half of any election  
16 day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed,  
17 the election authority shall employ such judges and shall see that a sufficient number for each  
18 period are present at all times so as to have the proper total number of judges present at each  
19 polling place throughout each election day. The election authority shall require that at each  
20 polling place at least one election judge from each political party serve a full day and that at all  
21 times during the day there be an equal number of election judges from each political party.

22           6. An election authority may appoint additional election judges representing other  
23 established political parties and additional election judges who do not claim a political affiliation.  
24 Any question which requires a decision by the majority of judges shall only be made by the  
25 judges from the major political parties.

26           **7. No election authority shall provide a list of election judges or other election**  
27 **workers to any person or committee until the election has been completed.**

115.085. No person shall be appointed to serve as an election judge who is not a  
2 registered voter in this state; provided that, before any election authority may appoint judges who  
3 are registered voters of another election authority's jurisdiction, the election authority shall obtain  
4 the written consent of the election authority for the jurisdiction where the prospective judges are  
5 registered to vote. Each election judge shall be a person of good repute and character who can  
6 speak, read, and write the English language **and, except as provided under subsection 3 of**  
7 **section 115.104, be a registered voter within the election authority's jurisdiction.** No person

8 shall serve as an election judge at any polling place in which his or her name or the name of a  
9 relative within the second degree, by consanguinity or affinity, appears on the ballot. However,  
10 no relative of any unopposed candidate shall be disqualified from serving as an election judge  
11 in any election jurisdiction of the state. No election judge shall, during his or her term of office,  
12 hold any other elective public office, other than as a member of a political party committee or  
13 township office, except any person who is elected to a board or commission of a political  
14 subdivision or special district may serve as an election judge except at a polling place where such  
15 political subdivision or special district has an issue or candidate on the ballot. **Each person**  
16 **selected shall, if qualified and unless excused because of ill health or other good and**  
17 **sufficient reason, serve for the term for which the individual was selected.** In any county  
18 having a population of less than two hundred fifty thousand inhabitants, any candidate for the  
19 county committee of a political party who is not a candidate for any other office and who is  
20 unopposed for election as a member of the committee shall not be disqualified from serving as  
21 an election judge.

115.089. Each board of election commissioners shall [have authority to] appoint election  
2 judges [for individual elections, or] for a term [coincident with the term of the board and until  
3 the judges' successors are appointed and qualified] **of two years, but no election judge shall**  
4 **be selected and appointed for service in more than five elections during the two-year term.**  
5 The board may ask the county committee of each major political party to submit a list of persons  
6 qualified to serve as election judges and may select and appoint judges from the lists. The board  
7 may compile a list of persons who claim no political affiliation and who volunteer to be election  
8 judges and may select and appoint judges from the list. **Election judges may be selected and**  
9 **appointed at least fifteen days before an election.**

115.095. **1. Each person selected and appointed as an election judge shall report**  
2 **to the office of the election authority or any other designated location to complete any**  
3 **necessary informational forms and to receive training for election judge duties at the time**  
4 **indicated in the notice of selection and appointment.** If any judge fails to act or to appear by  
5 the time fixed by law for the opening of the polls, the election authority shall be notified  
6 immediately by an election judge. The election authority or the election judges present in the  
7 polling place shall appoint another judge from the same political party as the judge failing to act  
8 or to appear. If the election judges elect a qualified temporary judge, such judge shall have full  
9 authority to act as judge for the election, except that such judge may be removed at any time by  
10 the election authority and replaced with another qualified judge from the same political party as  
11 the removed judge. Any judge selected pursuant to this section shall be selected to ensure that  
12 no political party shall have a majority of judges at any polling place and that each major  
13 political party has at least one judge serving at the polling place.

14           **2. Any person who is selected and appointed as an election judge and who refuses,**  
15 **neglects, or fails to serve without excuse shall be guilty of a class C misdemeanor. Any**  
16 **person who is selected and appointed as an election judge and who fails to serve for the**  
17 **appointed term, unless excused because of ill health or other good and sufficient reason,**  
18 **is guilty of a class B misdemeanor. The election authority shall submit the names of any**  
19 **person violating this subsection to the county prosecutor with jurisdiction in the election**  
20 **authority's jurisdiction for prosecution under this subsection.**

          115.102. 1. An employer shall not terminate, discipline, threaten or take adverse actions  
2 against an employee based on the employee's service as an election judge, **and no person**  
3 **selected and appointed as an election judge shall be subjected to such actions, except that**  
4 **an employer may reduce the pay of an employee for each hour of work missed by an**  
5 **amount equal to the hourly compensation not including expenses paid to the employee for**  
6 **such service.**

7           2. An employee who is appointed to serve as an election judge may, on election day, be  
8 absent from his or her employment for the period of time that the election authority requires the  
9 employee to serve as election judge. Employees must notify employers at least seven days prior  
10 to an election that they will be absent from work on election day due to service as an election  
11 judge, **but such notice shall not be required for any person selected and appointed to fill a**  
12 **vacancy as an election judge on the day of an election. Any such person shall be excused**  
13 **upon request from any shift work, without loss of pay, for the hours during which the**  
14 **individual is required to serve and, if required to serve eight hours or more, for eight hours**  
15 **before and eight hours after the individual is required to serve.**

16           3. An employee discharged in violation of this section may bring a civil action against  
17 the employer within ninety days of discharge for recovery of lost wages and other damages  
18 caused by the violation and for an order directing reinstatement of the employee. If the employee  
19 prevails, the employee shall be entitled to receive reasonable attorney's fees and costs.

20           **4. Any person who threatens to terminate, coerces, or attempts to coerce any person**  
21 **in violation of this section is guilty of a class B misdemeanor. Any person who terminates**  
22 **such person's employment, reduces such person's regular pay, overtime pay, sick leave, or**  
23 **vacation time, or penalizes such person in any other way for the person's service as an**  
24 **election judge, is guilty of a class D felony. The election authority shall submit the names**  
25 **of any person violating this section to the county prosecutor with jurisdiction in the election**  
26 **authority's jurisdiction for prosecution under this section.**

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