

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE BILL NO. 10

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAUL (113).

2498H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.081, 115.085, 115.631, 115.637, 116.050, 116.155, 116.160, 116.180, and 116.230, RSMo, and to enact in lieu thereof ten 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Section A. Sections 115.081, 115.085, 115.631, 115.637, 116.050, 116.155, 116.160, 116.180, and 116.230, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 115.081, 115.085, 115.631, 115.637, 116.045, 116.050, 116.155, 116.160, 116.180, and 116.230, to read as follows:

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

2. In all primary and general elections, the election authority shall appoint at least two judges from each major political party to serve at each polling place. **The committee of each major political party within the jurisdiction of an election authority is authorized to provide the election authority with a list of election judge candidates who meet the requirements under section 115.085. The candidates shall not be required to reside within the jurisdiction of the election authority, as authorized in section 115.085. If a committee of a major political party within the jurisdiction of an election authority fails to provide the prescribed number of qualified names to fill all election judge positions before the date established by the election authority, the election authority may select judges to fill the positions as provided by law. If the election authority determines that a name submitted**

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.

13 **by a committee of a major political party is not qualified to serve as an election judge, the**
14 **election authority shall allow the party to submit another name before filling the position**
15 **as provided by law.** No major political party shall have a majority of the judges at any polling
16 place. No established party shall have a greater number of judges at any polling place than any
17 major political party.

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

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

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

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

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~~
3 ~~who are registered voters of another election authority's jurisdiction, the election authority shall~~
4 ~~obtain the written consent of the election authority for the jurisdiction where the prospective~~
5 ~~judges are registered to vote].~~ Each election judge shall be a person of good repute and character
6 who can speak, read, and write the English language. No person shall serve as an election judge
7 at any polling place in which his or her name or the name of a relative within the second degree,
8 by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed
9 candidate shall be disqualified from serving as an election judge in any election jurisdiction of
10 the state. No election judge shall, during his or her term of office, hold any other elective public
11 office, other than as a member of a political party committee or township office, except any
12 person who is elected to a board or commission of a political subdivision or special district may

13 serve as an election judge except at a polling place where such political subdivision or special
14 district has an issue or candidate on the ballot. In any county having a population of less than
15 two hundred fifty thousand inhabitants, any candidate for the county committee of a political
16 party who is not a candidate for any other office and who is unopposed for election as a member
17 of the committee shall not be disqualified from serving as an election judge.

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

6 (1) Willfully and falsely making any certificate, affidavit, or statement required to be
7 made pursuant to any provision of this chapter, including but not limited to statements
8 specifically required to be made "under penalty of perjury"; or in any other manner knowingly
9 furnishing false information to an election authority or election official engaged in any lawful
10 duty or action in such a way as to hinder or mislead the authority or official in the performance
11 of official duties. If an individual willfully and falsely makes any certificate, affidavit, or
12 statement required to be made under section 115.155, including but not limited to statements
13 specifically required to be made "under penalty of perjury", such individual shall be guilty of a
14 class D felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 (22) On the part of a notary public acting in his or her official capacity, knowingly
73 violating any of the provisions of this chapter or any provision of law pertaining to elections;

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

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

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

83 (26) Knowingly providing false information about election procedures for the purpose
84 of preventing any person from going to the polls; **and**

85 **(27) Coercing, intimidating, or pressuring a voter to vote in a certain manner and**
86 **attempting to verify the result of such acts by obtaining photographic evidence of such**
87 **voter's ballot.**

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 or she 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 **or her** duties in making such canvass or willfully neglecting any duties lawfully
23 assigned to him or her;

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 or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his or her name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his or her behalf, knowingly distributing
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his or her possession any official ballot, except in the
41 performance of his or her duty as an election authority or official, or in the act of exercising his
42 or her individual voting privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, being willfully absent from the polls on election
45 day without good cause or willfully detaining any election material or equipment and not causing
46 it to be produced at the voting place at the opening of the polls or within fifteen minutes
47 thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him or her by law with respect to holding and
50 conducting an election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, ~~allowing his or her~~
55 ~~ballot to be seen by any person with the intent of letting it be known how he or she is about to~~
56 ~~vote or has voted, or~~ knowingly making a false statement as to his or her inability to mark a
57 ballot;

58 (15) On the part of any election judge, disclosing to any person the name of any
59 candidate for whom a voter has voted;

60 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

61 (17) On the part of any person at any registration site, polling place, counting location
62 or verification location, causing any breach of the peace or engaging in disorderly conduct,
63 violence, or threats of violence whereby such registration, election, count or verification is
64 impeded or interfered with;

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
67 voted on at an election on election day inside the building in which a polling place is located or
68 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
69 any person, refusing to remove or permit removal from property owned or controlled by such
70 person, any such election sign or literature located within such distance on such day after request
71 for removal by any person;

72 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
73 private property, except that this subdivision shall not be construed to interfere with the right of
74 any private property owner to take any action with regard to campaign yard signs on the owner's
75 property and this subdivision shall not be construed to interfere with the right of any candidate,
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
77 private property after the election day.

**116.045. Initiative and referendum petition signature pages shall be printed on a
2 form by the secretary of state, which shall include all of the information and statements set
3 forth in sections 116.030 and 116.040, as applicable, and comply with section 116.050. The
4 form shall be made available in electronic format.**

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter
2 shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be

3 no larger than eight and one-half by fourteen inches. Each page of an initiative petition shall be
4 attached to or shall contain a full and correct text of the proposed measure. Each page of a
5 referendum petition shall be attached to or shall contain a full and correct text of the measure on
6 which the referendum is sought.

7 **2. The secretary of state shall collect a filing fee of three hundred fifty dollars for**
8 **each initiative petition filed. Each fee collected under this section shall be placed in the**
9 **petition trust fund created under subsection 4 of this section and established by the state**
10 **treasurer and shall be refunded if the initiative petition qualifies for the ballot. The refund**
11 **shall be made not later than one month after the occurrence of the election at which the**
12 **measure appeared on the ballot. An additional filing fee of twenty-five dollars shall be**
13 **collected for each page of text of the measure in excess of ten pages.**

14 **3. The full and correct text of all initiative and referendum petition measures shall:**

15 (1) Contain all matter which is to be deleted included in its proper place enclosed in
16 brackets and all new matter shown underlined;

17 (2) Include all sections of existing law or of the constitution which would be repealed
18 by the measure; and

19 (3) Otherwise conform to the provisions of Article III, Section 28 and Article III, Section
20 50 of the Constitution and those of this chapter.

21 **4. (1) There is hereby created in the state treasury the "Petition Trust Fund",**
22 **which shall consist of money collected under this section. The state treasurer shall be**
23 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
24 **may approve disbursements. The fund shall be a dedicated fund and money in the fund**
25 **shall be used solely by the secretary of state for the purpose of refunding fees collected**
26 **under this section.**

27 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
28 remaining in the fund at the end of the biennium shall revert to the credit of the general
29 revenue fund.

30 (3) The state treasurer shall invest moneys in the fund in the same manner as other
31 funds are invested. Any interest and moneys earned on such investments shall be credited
32 to the fund.

116.155. 1. The general assembly may include the official summary statement and a
2 fiscal note summary in any statewide ballot measure that it refers to the voters.

3 2. The official summary statement approved by the general assembly shall, taken
4 together with the approved fiscal note summary, be the official ballot title and such summary
5 statement shall contain no more than fifty words, excluding articles. The title shall be a true and

6 impartial statement of the purposes of the proposed measure in language neither intentionally
7 argumentative nor likely to create prejudice either for or against the proposed measure.

8 3. The fiscal note summary approved by the general assembly shall contain no more than
9 fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure
10 in language neither argumentative nor likely to create prejudice for or against the proposed
11 measure.

12 **4. The phrase "The word count of the bill underlying this ballot measure is:"**
13 **followed by the word count of the bill that referred the ballot measure to voters shall**
14 **appear in bold letters immediately following the summary statement and fiscal note**
15 **summary on the ballot. The general assembly shall provide the total number of words in**
16 **the bill to the secretary of state. This phrase shall not count toward the word limit for the**
17 **summary statement and fiscal note summary.**

116.160. 1. If the general assembly adopts a joint resolution proposing a constitutional
2 amendment or a bill without a fiscal note summary, which is to be referred to a vote of the
3 people, after receipt of such resolution or bill the secretary of state shall promptly forward the
4 resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing
5 a constitutional amendment or a bill without an official summary statement, which is to be
6 referred to a vote of the people, within twenty days after receipt of the resolution or bill, the
7 secretary of state shall prepare and transmit to the attorney general a summary statement of the
8 measure as the proposed summary statement. The secretary of state may seek the advice of the
9 legislator who introduced the constitutional amendment or bill and the speaker of the house or
10 the president pro tem of the legislative chamber that originated the measure. The summary
11 statement may be distinct from the legislative title of the proposed constitutional amendment or
12 bill. The attorney general shall within ten days approve the legal content and form of the
13 proposed statement.

14 2. The official summary statement shall contain no more than fifty words, excluding
15 articles. The title shall be a true and impartial statement of the purposes of the proposed measure
16 in language neither intentionally argumentative nor likely to create prejudice either for or against
17 the proposed measure.

18 **3. The phrase "The word count of the bill underlying this ballot measure is:"**
19 **followed by the word count of the bill that referred the ballot measure to voters shall**
20 **appear in bold letters immediately following the summary statement and fiscal note**
21 **summary on the ballot. The general assembly shall provide the total number of words in**
22 **the bill to the secretary of state. This phrase shall not count toward the word limit for the**
23 **summary statement and fiscal note summary.**

116.180. Within three days after receiving the official summary statement, the approved
2 fiscal note summary, and the fiscal note relating to any statewide ballot measure, the secretary
3 of state shall certify the official ballot title in separate paragraphs with the fiscal note summary
4 immediately following the summary statement of the measure ~~[and]~~. **The phrase "The word**
5 **count of the bill or petition underlying this ballot measure is:" followed by the word count**
6 **of the bill or petition that referred the ballot measure to voters shall appear in bold letters**
7 **immediately following the summary statement and fiscal note summary on the ballot. The**
8 **general assembly or the proponent of a petition shall provide the total number of words**
9 **in the bill or petition to the secretary of state. This phrase shall not count toward the word**
10 **limit for the summary statement and fiscal note summary. Failure of the general assembly**
11 **or a petition proponent to submit the word count required under this section and sections**
12 **116.155 and 116.160 shall justify a refusal to accept the proposed petition by the secretary**
13 **of state. The secretary of state shall deliver a copy of the official ballot title and the fiscal note**
14 **to the speaker of the house or the president pro tem of the legislative chamber that originated the**
15 **measure or, in the case of initiative or referendum petitions, to the person whose name and**
16 **address are designated under section 116.332. Persons circulating the petition shall affix the**
17 **official ballot title to each page of the petition prior to circulation and signatures shall not be**
18 **counted if the official ballot title is not affixed to the page containing such signatures.**

116.230. 1. The secretary of state shall prepare sample ballots in the following form.

2 2. The top of the ballot shall read:

3
4 "OFFICIAL BALLOT STATE OF MISSOURI"

5 3. When constitutional amendments are submitted, the first heading shall read:

6
7 "CONSTITUTIONAL AMENDMENTS"

8
9 There shall follow the numbers assigned under section 116.210 the official ballot titles prepared
10 under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170.
11 Constitutional amendments proposed by the general assembly shall be designated as "Proposed
12 by the general assembly". Constitutional amendments proposed by initiative petition shall be
13 designated "Proposed by initiative petition". Constitutional amendments proposed by
14 constitutional convention shall be designated as "Proposed by constitutional convention".

15 4. When statutory measures are submitted, the next heading shall read:

16
17 "STATUTORY MEASURES"

18

19 There shall follow the letters assigned under section 116.220, the official ballot titles prepared
20 under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170.
21 Statutory initiative measures shall be designated "Proposed by initiative petition". Referendum
22 measures shall be designated "Referendum ordered by petition".

23 **5. Sample ballots shall include, for every constitutional amendment and statutory**
24 **measure on the ballot, the phrase "The word count of the bill or petition underlying this**
25 **ballot measure is:" followed by the word count of the bill or petition that referred the**
26 **ballot measure to voters shall appear in bold letters immediately following the summary**
27 **statement and fiscal note summary. This phrase shall not count toward the word limit for**
28 **the summary statement and fiscal note summary.**

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