

FIRST REGULAR SESSION

HOUSE BILL NO. 1196

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HILL.

1890H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.155, 115.158, 115.191, 115.195, 115.199, 115.221, and 115.249, RSMo, 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Section A. Sections 115.155, 115.158, 115.191, 115.195, 115.199, 115.221, and 115.249, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.155, 115.158, 115.191, 115.195, 115.199, 115.221, and 115.249, to read as follows:

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

☐ YES ☐ NO

Will you be 18 years of age on or before election day?

☐ YES ☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL

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 DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI
17 DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

18

19 _____
Township (or Ward)

20

21 _____
Name

Precinct

22

23 _____
Home Address

Required Personal
Identification
Information

24

25

26

27 _____
City ZIP

28

29 _____
Date of Birth

Place of Birth
(Optional)

30

31

32 _____
Telephone Number
(Optional)

Mother's Maiden
Name (Optional)

33

34 _____
Occupation (Optional)

Last Place Previously
Registered

35

36

37 _____
Last four digits of

Under What Name

38 Social Security Number (Required for registration unless no Social Security number exists for
40 Applicant)

41 Remarks: _____

42

When

43 I am a citizen of the United States and a resident of the state of Missouri. I have not been
44 adjudged incapacitated by any court of law. If I have been convicted of a felony or of a
45 misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting
46 from such conviction removed pursuant to law. I do solemnly swear that all statements made on
47 this card are true to the best of my knowledge and belief.

48 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY
49 ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE
50 AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR

51 BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN
52 THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

53

54 _____
Signature of Voter Date _____

55

56 _____
Signature of Election Official

57

58 2. After supplying all information necessary for the registration records, each applicant
59 who appears in person before the election authority shall swear or affirm the statements on the
60 registration application by signing his or her full name, witnessed by the signature of the election
61 authority or such authority's deputy registration official. Each applicant who applies to register
62 by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to
63 the statements on the application by his or her signature.

64 3. Upon receipt by mail of a completed and signed voter registration application, a voter
65 registration application forwarded by the division of motor vehicle and drivers licensing of the
66 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to
67 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,
68 transfer all data necessary for the registration records from the application to its registration
69 system. Within seven business days after receiving the application, the election authority shall
70 send the applicant a verification notice. If such notice is returned as undeliverable by the postal
71 service within the time established by the election authority, the election authority shall not place
72 the applicant's name on the voter registration file.

73 4. If, upon receipt by mail of a voter registration application or a voter registration
74 application forwarded pursuant to section 115.160 or 115.162, the election authority determines
75 that the applicant is not entitled to register, such authority shall, within seven business days after
76 receiving the application, so notify the applicant by mail and state the reason such authority has
77 determined the applicant is not qualified. The applicant may file a complaint with the elections
78 division of the secretary of state's office under and pursuant to section 115.219. If an applicant
79 for voter registration fails to answer the question on the application concerning United States
80 citizenship, the election authority shall notify the applicant of the failure and provide the
81 applicant with an opportunity to complete the form in a timely manner to allow for the
82 completion of the registration form before the next election.

83 5. The secretary of state shall prescribe specifications for voter registration documents
84 so that they are uniform throughout the state of Missouri and comply with the National Voter
85 Registration Act of 1993, including the reporting requirements, and so that registrations, name
86 changes and transfers of registrations within the state may take place as allowed by law.

87 6. All voter registration applications shall be preserved in the office of the election
88 authority.

89 **7. Each applicant shall provide a Missouri REAL ID showing proof of Missouri**
90 **residence at the time of application for voter registration. If the applicant does not have**
91 **a Missouri REAL ID showing proof of Missouri residence, he or she may obtain a copy of**
92 **the document at the state's expense as provided in subsection 6 of section 115.427. For**
93 **applications submitted by mail or using the online voter registration system, an unofficial**
94 **copy of a document proving citizenship shall meet the requirements of this subsection.**

95 **8. Upon receipt of an application by mail, the election authority shall send a**
96 **postcard to the mailing address on the application. The postcard shall notify the applicant**
97 **of the following:**

98 **(1) His or her application was received;**

99 **(2) His or her registration is not complete until confirmed by calling the toll-free**
100 **number on the postcard; and**

101 **(3) His or her registration will not be complete if not confirmed within ten days.**
102

103 **The secretary of state shall create and maintain an automated phone system for voter**
104 **registration applicants to call and confirm their voter registration.**

 115.158. 1. The secretary of state shall implement a centralized, interactive
2 computerized statewide voter registration list. This computerized list shall be known as the
3 "Missouri Voter Registration System". The system shall be implemented by January 1, 2004,
4 unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver is
5 obtained, the system shall be implemented by January 1, 2006. The system shall be maintained
6 and administered by the secretary of state and contain the name and registration information of
7 every legally registered voter in Missouri. In addition, the system shall:

8 (1) Assign a unique identifier to each legally registered voter in Missouri;

9 (2) Serve as the single system for storing and managing the official list of registered
10 voters throughout Missouri;

11 (3) Be coordinated with other agency databases in Missouri;

12 (4) Allow any election official in Missouri, including local election authorities,
13 immediate electronic access to the information contained in the system;

14 (5) Allow all voter registration information obtained by any local election official in
15 Missouri to be electronically entered into the system on an expedited basis at the time the
16 information is provided to the local official. The secretary of state, as the chief state election
17 official, shall provide such support as may be required so that local election officials are able to
18 enter the registration information; and

19 (6) Serve as the official voter registration list for the conduct of all elections in Missouri.

20 2. The secretary of state and local election authorities shall perform system maintenance
21 on a regular basis, which shall include:

22 (1) Removing names in accordance with the provisions and procedures of the National
23 Voter Registration Act of 1993 and coordinating system maintenance activities with state agency
24 records on death and felony status;

25 (2) Requiring the name of each registered voter to appear in the system;

26 (3) Removing only voters who are not registered or who are not eligible to vote; and

27 (4) Eliminating duplicate names from the system.

28 3. The secretary of state shall provide adequate technological security measures to
29 prevent the unauthorized access to the system established pursuant to this section.

30 4. The secretary of state shall develop procedures to ensure that voter registration records
31 within the system are accurate and updated regularly. At a minimum, the procedures shall
32 include:

33 (1) A system of file maintenance that makes a reasonable effort to remove registrants
34 who are ineligible to vote. Consistent with the National Voter Registration Act of 1993,
35 registrants who have not responded to a notice and who have not voted in two consecutive
36 general elections for federal office shall be removed from the official list of eligible voters,
37 except that no registrant may be removed solely by reason of a failure to vote; and

38 (2) Safeguards to ensure that eligible voters are not removed in error.

39 5. Voter registration information shall be verified in accordance with the Help America
40 Vote Act of 2002.

41 (1) Except as provided in subdivision (2) of this subsection, an application for voter
42 registration may not be accepted or processed unless the application includes:

43 (a) In the case of an applicant who has been issued a current and valid driver's license,
44 the applicant's driver's license number; or

45 (b) In the case of any other applicant, other than an applicant to whom subdivision (2)
46 applies, the last four digits of the applicant's Social Security number.

47 (2) If an applicant for voter registration has not been issued a current and valid driver's
48 license or a Social Security number, the applicant shall be assigned a number which will serve
49 to identify the applicant for voter registration purposes. The number assigned under this
50 subdivision shall be used as the unique identifying number within the system.

51 (3) The secretary of state and the director of the department of revenue shall enter into
52 an agreement to match information in the database of the voter registration system with
53 information in the database of the motor vehicle system to enable the secretary to verify the
54 accuracy of information provided on applications for voter registration.

55 (4) The director of the department of revenue shall enter into an agreement with the
56 commissioner of Social Security and comply with the Help America Vote Act of 2002.

57 6. In addition to using the system for voter registration, the election authorities and
58 secretary of state may use the system for the collection and dissemination of election results and
59 other pertinent information. Any information contained in any state or local voter registration
60 system, limited to the master voter registration list or any other list generated from the
61 information, subject to chapter 610, shall not be used for commercial purposes; provided,
62 however, that the information may be used for elections, for candidates, or for ballot measures,
63 furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For
64 purposes of this section, "commercial purposes" means the use of a public record for the purpose
65 of sale or resale or for the purpose of producing a document containing all or part of the copy,
66 printout, or photograph for sale or the obtaining of names and addresses from public records for
67 the purpose of solicitation or the sale of names and addresses to another for the purpose of
68 solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of
69 monetary gain from the direct or indirect use of the public record.

70 7. The secretary of state shall establish an advisory committee to assist in the
71 establishment and maintenance of the Missouri voter registration system.

72 8. The secretary of state may promulgate rules to execute this section. No rule or portion
73 of a rule promulgated pursuant to the authority of this section shall become effective unless it
74 has been promulgated pursuant to chapter 536.

75 9. Election authorities and any agency required under the National Voter Registration
76 Act of 1993 to accept voter registration applications shall forward registration and other data in
77 a manner prescribed by the secretary of state to assist with administering and maintaining the
78 Missouri voter registration system in accordance with the Help America Vote Act of 2002.

79 **10. The secretary of state shall share voter registration data with other states in**
80 **order to ensure individuals are not double-registered.**

115.191. The election authority may investigate the residence or other qualifications of
2 any voter at any time it deems necessary. The election authority shall investigate material
3 affecting any voter's qualifications brought to its attention from any source, and such
4 investigations shall be conducted in the manner it directs. The election authority may defer
5 investigation of material brought to its attention within ten days of an election until after the
6 election if it determines time does not permit an earlier investigation. **The secretary of state,**
7 **at his or her discretion, may perform the duties of the election authority under this section.**

115.195. 1. At least once each month, the state or local registrar of vital statistics shall
2 provide to the election authority a list of the name and address, if known, of each person over
3 eighteen years of age in its jurisdiction whose death has been reported to him or her and provide

4 a copy of the list of any death reported in the state to the secretary of state. The secretary of state
5 shall notify the election authority of the jurisdiction in which the deceased resided of the
6 information received pursuant to this subsection.

7 2. At least once each month, the clerk of the circuit court of each county and city not
8 within a county shall provide to the election authority a list of the name and address, if known,
9 of each person over eighteen years of age in the court's jurisdiction who has been convicted of
10 any felony, or of a misdemeanor connected with the right of suffrage. A copy of the list shall
11 also be submitted to the secretary of state. The secretary of state shall notify the election
12 authority of the jurisdiction in which an offender resides of the information received pursuant
13 to this subsection.

14 3. At least once each month, the clerk of the probate division of the circuit court of each
15 county and city not within a county shall provide to the election authority a list of the name and
16 address, if known, of each person over eighteen years of age in the court's jurisdiction who has
17 been adjudged incapacitated and has not been restored to capacity. A copy of the list shall also
18 be submitted to the secretary of state. The secretary of state shall notify the election authority
19 of the jurisdiction in which such person resides of the information received pursuant to this
20 subsection.

21 4. All state and local registrars and all clerks of probate divisions of the circuit courts and
22 circuit courts shall provide the information specified in this section, without charge, to the
23 election authority or the secretary of state.

115.199. 1. Each election authority shall remove from its registration records the names
2 of voters reported dead or adjudged incapacitated **within ten days of receiving notification of**
3 **death or incapacitation** and shall determine the voting qualifications of those reported
4 convicted or pardoned.

5 2. **A violation of subsection 1 of this section shall be a class A misdemeanor.**

6 3. **The secretary of state, at his or her discretion, may perform the duties of the**
7 **election authority under subsection 1 of this section.**

115.221. Notwithstanding any other provisions of law to the contrary, each election
2 authority may have the voting records inspected and may investigate the qualifications of any
3 person who has not voted or transferred his registration within the four preceding calendar years.
4 **The secretary of state, at his or her discretion, may perform the duties of the election**
5 **authority under this section.**

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
4 entitled to vote for, and no other;

5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled
6 to vote on, and no more;

7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he
8 is lawfully entitled to cast;

9 (5) Permits each voter in a primary election to vote for the candidates of only one party
10 announced by the voter in advance;

11 (6) Correctly registers or records and accurately counts all votes cast for each candidate
12 and for and against each question;

13 (7) Is provided with a lock or locks which prevent any movement of the voting or
14 registering mechanism and any tampering with the mechanism;

15 (8) Is provided with a protective counter or other device whereby any operation of the
16 machine before or after an election will be detected;

17 (9) Is provided with a counter which shows at all times during the election how many
18 people have voted on the machine;

19 (10) Is provided with a proper light which enables each voter, while voting, to clearly
20 see the ballot labels; **and**

21 **(11) Cannot be directly connected to any outside network electronically.**

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