

FIRST REGULAR SESSION

HOUSE BILL NO. 781

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

1044H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.155, 115.157, 115.163, 115.168, 115.205, 115.628, and 115.631, RSMo, and to enact in lieu thereof five 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Section A. Sections 115.155, 115.157, 115.163, 115.168, 115.205, 115.628, and 115.631, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.155, 115.157, 115.163, 115.205, and 115.631, to read as follows: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

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 NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF
17 UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVER'S
18 LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

19 _____
20 _____

21 Township
22 (or Ward)

23 _____
24 _____

25 Name Precinct

26 _____
27 _____

28 Home Address Required
29 Personal
30 Identifica-
31 tion
32 Informa-
33 tion

34 _____
35 City ZIP

36 _____
37 _____

38 Place of
39 Birth
40 (Optional)

41 _____
42 _____

43 Mother's
44 Telephone Number Maiden
45 Name
46 (Optional) (Optional)

47 _____
48 _____

49 Last Place
50 Occupation (Optional) Previously
51 Registered

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Last four digits of Social
Security Number
(Required for registration
unless no Social Security
Number exists for Applicant)

Under
What
Name

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Remarks:

[~~Political Party Affiliation~~]
[(~~OPTIONAL: You~~
~~shall be unaffiliated~~
~~unless you~~
~~designate an~~
~~affiliation.~~)]

When

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I am a citizen of the United States and a resident of the state of
Missouri. I have not been adjudged incapacitated by any court of law.
If I have been convicted of a felony or of a misdemeanor connected
with the right of suffrage, I have had the voting disabilities resulting
from such conviction removed pursuant to law. I do solemnly swear
that all statements made on this card are true to the best of my
knowledge and belief.
I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING
THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM
COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY
BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE
YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE
HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY
BOTH SUCH IMPRISONMENT AND FINE.

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Signature of Voter

Signature of Election Official

Date

87 2. ~~The options for political party affiliation required by the application described in~~
88 ~~subsection 1 of this section shall include all established political parties and an option to be~~
89 ~~unaffiliated. If an applicant does not designate an affiliation, the election authority shall mark~~
90 ~~the applicant's form as unaffiliated.~~

91 ~~3.]~~ After supplying all information necessary for the registration records, each
92 applicant who appears in person before the election authority shall swear or affirm the
93 statements on the registration application by signing his or her full name, witnessed by the
94 signature of the election authority or such authority's deputy registration official. Each
95 applicant who applies to register by mail pursuant to section 115.159, or pursuant to section
96 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

97 ~~[4.]~~ 3. Upon receipt by mail of a completed and signed voter registration application,
98 a voter registration application forwarded by the division of motor vehicle and drivers
99 licensing of the department of revenue pursuant to section 115.160, or a voter registration
100 agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant
101 is entitled to register, transfer all data necessary for the registration records from the
102 application to its registration system. Within seven business days after receiving the
103 application, the election authority shall send the applicant a verification notice. If such notice
104 is returned as undeliverable by the postal service within the time established by the election
105 authority, the election authority shall not place the applicant's name on the voter registration
106 file.

107 ~~[5.]~~ 4. If, upon receipt by mail of a voter registration application or a voter
108 registration application forwarded pursuant to section 115.160 or 115.162, the election
109 authority determines that the applicant is not entitled to register, such authority shall, within
110 seven business days after receiving the application, so notify the applicant by mail and state
111 the reason such authority has determined the applicant is not qualified. The applicant may
112 file a complaint with the elections division of the secretary of state's office under and pursuant
113 to section 115.219. If an applicant for voter registration fails to answer the question on the
114 application concerning United States citizenship, the election authority shall notify the
115 applicant of the failure and provide the applicant with an opportunity to complete the form in
116 a timely manner to allow for the completion of the registration form before the next election.

117 ~~[6.]~~ 5. The secretary of state shall prescribe specifications for voter registration
118 documents so that they are uniform throughout the state of Missouri and comply with the
119 National Voter Registration Act of 1993, including the reporting requirements, and so that
120 registrations, name changes and transfers of registrations within the state may take place as
121 allowed by law.

122 ~~[7.]~~ 6. All voter registration applications shall be preserved in the office of the
123 election authority.

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with section 115.158. No election authority or secretary
3 of state shall furnish to any member of the public electronic media or printout showing any
4 registration information, except as provided in this section. Except as provided in subsection
5 2 of this section, the election authority or secretary of state shall make available electronic
6 media or printouts showing only unique voter identification numbers, voters' names, year of
7 birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at
8 least the following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district; **and**
- 27 (19) Congressional district~~;~~ ~~and~~
- 28 ~~(20) Political party affiliation~~].

29 2. All election authorities shall enter voter history in their computerized registration
30 systems and shall, not more than three months after the election, forward such data to the
31 Missouri voter registration system established in section 115.158. In addition, election
32 authorities shall forward registration and other data in a manner prescribed by the secretary of
33 state to comply with the Help America Vote Act of 2002.

34 3. Except as provided in subsection 6 of this section, the election authority shall
35 furnish, for a fee, electronic media or a printout showing only the names, year of birth, **and**
36 addresses, ~~[and political party affiliations of voters,]~~ or any part thereof, within the
37 jurisdiction of the election authority who voted in any specific election, including primary

38 elections, by township, ward or precinct, provided that nothing in this chapter shall require
39 such voter information to be released to the public over the internet and shall not be used for
40 commercial purposes.

41 4. Except as provided in subsection 6 of this section, upon a request by a candidate, a
42 duly authorized representative of a campaign committee, or a political party committee, the
43 secretary of state shall furnish, for a fee determined by the secretary of state and in
44 compliance with section 610.026, media in an electronic format or, if so requested, in a
45 printed format, showing the names, addresses, and voter identification numbers of voters
46 within the jurisdiction of a specific election authority who applied for an absentee ballot
47 under section 115.279 for any specific election involving a ballot measure or an office for
48 which the declaration of candidacy is required to be filed with the secretary of state pursuant
49 to section 115.353, including primary elections, by township, ward, or precinct. Nothing in
50 this section shall require such voter information to be released to the public over the internet.
51 For purposes of this section, the terms "candidate", "campaign committee", and "political
52 party committee" shall have the same meaning given to such terms in section 130.011.

53 5. The amount of fees charged for information provided in this section shall be
54 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant
55 to this section shall be deposited in the state treasury and credited to the secretary of state's
56 technology trust fund account established pursuant to section 28.160. In even-numbered
57 years, each election authority shall, upon request, supply the voter registration list for its
58 jurisdiction to all candidates and party committees for a charge established pursuant to
59 chapter 610. Except as provided in subsection 6 of this section, all election authorities shall
60 make the information described in this section available pursuant to chapter 610. Any
61 election authority who fails to comply with the requirements of this section shall be subject to
62 the provisions of chapter 610.

63 6. Any person working as an undercover officer of a local, state or federal law
64 enforcement agency, persons in witness protection programs, and victims of domestic
65 violence and abuse who have received orders of protection pursuant to chapter 455 shall be
66 entitled to apply to the circuit court having jurisdiction in his or her county of residence to
67 have the residential address on his or her voter registration records closed to the public if the
68 release of such information could endanger the safety of the person. Any person working as
69 an undercover agent or in a witness protection program shall also submit a statement from the
70 chief executive officer of the agency under whose direction he or she is serving. The petition
71 to close the residential address shall be incorporated into any petition for protective order
72 provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the
73 petition meets the qualifications of this subsection, the circuit court shall issue an order to the
74 election authority to keep the residential address of the voter a closed record and the address

75 may be used only for the purposes of administering elections pursuant to this chapter. The
76 election authority may require the voter who has a closed residential address record to verify
77 that his or her residential address has not changed or to file a change of address and to affirm
78 that the reasons contained in the original petition are still accurate prior to receiving a ballot.
79 A change of address within an election authority's jurisdiction shall not require that the voter
80 file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his
81 or her residential address as a closed record shall notify the circuit court. Upon such
82 notification, the circuit court shall void the order closing the residential address and so notify
83 the election authority.

115.163. 1. Each election authority shall use the Missouri voter registration system
2 established by section 115.158 to prepare a list of legally registered voters for each precinct.
3 The list shall be arranged alphabetically or by street address as the election authority
4 determines and shall be known as the precinct register. The precinct registers shall be kept by
5 the election authority in a secure place, except when given to election judges for use at an
6 election. Except as provided in subsection 6 of section 115.157, all registration records shall
7 be open to inspection by the public at all reasonable times.

8 2. A new precinct register shall be prepared by the election authority prior to each
9 election.

10 3. (1) The election authority shall send to each voter, except those who registered by
11 mail and have not voted, a voter identification card no later than ninety days prior to the date
12 of a primary or general election for federal office, unless the voter has received such a card
13 during the preceding six months. The election authority shall send to each voter who
14 registered by mail and has not voted the verification notice required under section 115.155 no
15 later than ninety days prior to the date of a primary or general election for federal office.

16 (2) The voter identification card shall contain the voter's name, address, ~~political~~
17 ~~party affiliation,~~ and precinct. The card also shall inform the voter of the personal
18 identification requirement in section 115.427 and may also contain other voting information
19 at the discretion of the election authority.

20 (3) The voter identification card shall be sent to a voter, except those who registered
21 by mail and have not voted, after a new registration or a change of address. If any voter,
22 except those who registered by mail and have not voted, shall lose his or her voter
23 identification card ~~[or change political party affiliation]~~, he or she may request a new card
24 from the election authority.

25 (4) The voter identification card authorized pursuant to this section may be used as a
26 canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.

27 (5) Except as provided in subsection 6 of section 115.157, anyone, upon request and
28 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly

29 registered voters or voters deleted from the voting rolls, since the last canvass or updating of
30 the rolls.

31 (6) The election authority may authorize the use of the postal service contractors
32 under the federal National Change of Address program to identify those voters whose address
33 is not correct on the voter registration records. The election authority shall not be required to
34 mail a voter registration card to those voters whose addresses are incorrect. Confirmation
35 notices to such voters required by section 115.193 shall be sent to the corrected address
36 provided by the National Change of Address program.

115.205. 1. No person shall be paid or otherwise compensated for soliciting voter
2 registration applications, other than a governmental entity or a person who is paid or
3 compensated by a governmental entity for such solicitation. A voter registration solicitor,
4 **other than a governmental entity or a person who is paid or compensated by a**
5 **govenmental entity for such solicitation**, who solicits more than ten voter registration
6 applications shall register for every election cycle that begins on the day after the general
7 election and ends on the day of the general election two years later. A voter registration
8 solicitor shall be at least eighteen years of age and shall be a registered voter in the state of
9 Missouri.

10 2. Each voter registration solicitor shall provide the following information in writing
11 to the secretary of state's office:

- 12 (1) The name of the voter registration solicitor;
- 13 (2) The residential address, including street number, city, state, and zip code;
- 14 (3) The mailing address, if different from the residential address; and
- 15 (4) The signature of the voter registration solicitor.

16 3. The solicitor information required in subsection 2 of this section shall be submitted
17 to the secretary of state's office with the following oath and affirmation:

18 "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
19 STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

20 4. Any voter registration solicitor who knowingly fails to register with the secretary
21 of state is guilty of a class three election offense. Voter registration applications shall be
22 accepted by the election authority if such applications are otherwise valid, even if the voter
23 registration solicitor who procured the applications fails to register with or submits false
24 information to the secretary of state.

115.631. The following offenses, and any others specifically so described by law,
2 shall be class one election offenses and are deemed felonies 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 five years or by fine of not less than two thousand five hundred dollars but
5 not more than 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
9 knowingly furnishing false information to an election authority or election official engaged in
10 any lawful duty or action in such a way as to hinder or mislead the authority or official in the
11 performance of official duties. If an individual willfully and falsely makes any certificate,
12 affidavit, or statement required to be made under section 115.155, including but not limited to
13 statements specifically required to be made "under penalty of perjury", such individual shall
14 be guilty of a 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
22 any 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
24 legally entitled to vote or knowingly aiding, abetting or advising another person to cast an
25 illegal vote;

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

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

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

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

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

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

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

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

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

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

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

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

65 (18) Procuring any other person to register knowing the person is not legally entitled
66 to register, or aiding, abetting or advising another person to register knowing the person is not
67 legally entitled to register;

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

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

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

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

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

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

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

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

88 **(27) Disseminating through any means, including by posting on the internet, the**
89 **personal information of the family of an election official with the intent to harass,**
90 **intimidate, or influence such official in the performance of his or her duties. For the**
91 **purpose of this subdivision, "personal information" includes home address, Social**
92 **Security number, federal tax identification number, checking or savings account**
93 **numbers, marital status, and identity of a child under eighteen years of age. For the**
94 **purpose of this subdivision, the term "election official" includes election judges,**
95 **challengers, watchers, and other volunteers or employees of an election authority. If a**
96 **violation of this section results in death or bodily injury to an election official or a**
97 **member of the official's family, the offense shall be a class B felony.**

2 ~~[115.168. 1. If a registered voter chooses to change his or her political~~
3 ~~party affiliation, the voter may notify the election authority of such change.~~
4 ~~Any change of political party affiliation shall be made by signed, written~~
5 ~~notice in substantially the same manner as a change of address application is~~
6 ~~filed under section 115.165.~~

7 ~~2. For purposes of this section, the phrase "change his or her political~~
8 ~~party affiliation" shall mean changing affiliation from one established political~~
9 ~~party to another established political party, changing from affiliation with an~~
10 ~~established political party to unaffiliated, or changing from unaffiliated to~~
~~affiliation with an established political party.]~~

2 ~~[115.628. 1. The secretary of state shall maintain voter registration~~
3 ~~records in accordance with the Missouri voter registration system defined~~
4 ~~under section 115.158.~~

5 ~~2. Local election authorities shall notify registered voters of the~~
6 ~~political party affiliation opportunities of this section using all current election~~
7 ~~mailings that would otherwise be mailed to registered voters prior to January~~
8 ~~1, 2025.~~

9 ~~3. Beginning January 1, 2023, the voter registration application form~~
~~shall be amended to include a choice of political party affiliation.~~

10 4. ~~Notwithstanding any other provision of law to the contrary,~~
11 ~~beginning January 1, 2023, voters may declare political party affiliation during~~
12 ~~the voter check in process at any election. Appropriate software shall be~~
13 ~~provided at voter check in for political party affiliation so as to minimize later~~
14 ~~data entry for election authorities. If the election authority does not use~~
15 ~~electronic poll books, then a signed, written notice in substantially the same~~
16 ~~manner as a change of address application is filed under section 115.165 is~~
17 ~~adequate. The election authority shall process this initial political party~~
18 ~~registration through its normal means of administration.~~

19 5. ~~Notwithstanding any other provision of law to the contrary, all~~
20 ~~current processes for registering voters in the various counties shall remain in~~
21 ~~place.]~~

✓