

FIRST REGULAR SESSION

HOUSE BILL NO. 395

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

1438H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.133, 115.155, 115.247, 115.281, and 115.287, RSMo, and to enact in lieu thereof five new sections relating to elections.

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

Section A. Sections 115.133, 115.155, 115.247, 115.281, and 115.287, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.133, 115.155, 115.247, 115.281, and 115.287, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his **or her** eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment **after conviction of a felony;**
or

(2) ~~[While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or~~

~~(3)]~~ After conviction of a felony ~~[or misdemeanor]~~ connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

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. Nothing in this section shall prohibit any defendant who is otherwise eligible**
 17 **to vote and is confined in a jail from voting in an election if he or she has not yet been**
 18 **convicted of a crime.**

115.155. 1. The election authority shall provide for the registration of each voter.
 2 **Voter registration applications shall be made available in English, Spanish, and Braille.**
 3 Each application shall be in substantially the following form:

4 APPLICATION FOR REGISTRATION

5 Are you a citizen of the United States?

6 YES NO

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

8 YES NO

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

11 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE
 12 REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY
 13 OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO
 14 NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED
 15 TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING
 16 FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A
 17 NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF
 18 UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVER'S
 19 LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

20 _____
 21 _____
 22 Township
 23 (or Ward)

24 _____
 25 _____
 26 Name

27 _____
 28 _____
 29 Precinct

30 _____
 31 _____
 32 Home Address

33 Required
 34 Personal
 Identification
 Information

35	City ZIP	
36		_____
37	_____	_____
38		Place of
39	Date of Birth	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
52		_____
53	_____	_____
54	Last four digits of Social	Under
55	Security Number	What
56	(Required for registration	Name
57	unless no Social Security	
58	Number exists for Applicant)	
59		_____
60	Remarks:	_____
61		When
62	Political Party Affiliation	
63	(OPTIONAL: You	
64	shall be unaffiliated	
65	unless you	
66	designate an	
67	affiliation.)	
68	I am a citizen of the United States and a resident of the state of	
69	Missouri. I have not been adjudged incapacitated by any court of law.	

70 If I have been convicted of a felony or of a misdemeanor connected
 71 with the right of suffrage, I have had the voting disabilities resulting
 72 from such conviction removed pursuant to law. I do solemnly swear
 73 that all statements made on this card are true to the best of my
 74 knowledge and belief.

75 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING
 76 THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM
 77 COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY
 78 BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE
 79 YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE
 80 HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY
 81 BOTH SUCH IMPRISONMENT AND FINE.

82 _____
 83 _____
 84 Signature of Voter Date

85 _____
 86 Signature of Election Official

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

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

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

121 7. All voter registration applications shall be preserved in the office of the election
122 authority.

 115.247. 1. Each election authority shall provide all ballots for every election within
2 its jurisdiction. Ballots other than those printed by the election authority in accordance with
3 the provisions of this chapter shall not be cast or counted at any election.

4 2. Whenever it appears that an error has occurred in any publication required by the
5 provisions of this chapter, or in the printing of any ballot, any circuit court may, upon the
6 application of any voter, order the appropriate election authorities to correct the error or to
7 show cause why the error should not be corrected.

8 3. For each election held in a county with a charter form of government and with
9 more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants,
10 the election authority may provide for each polling place in its jurisdiction fifty-five ballots
11 for each fifty and fraction of fifty voters registered in the voting district at the time of the
12 election. For each election, except a general election, held in any county other than a county
13 with a charter form of government and with more than two hundred fifty thousand but fewer
14 than three hundred fifty thousand inhabitants, the election authority shall provide for each
15 polling place in its jurisdiction a number of ballots equal to at least one and one-third times
16 the number of ballots cast in the voting district served by such polling place at the election
17 held two years before at that polling place or at the polling place that served the voting district
18 in the previous election. For each general election held in any county other than a county
19 with a charter form of government and with more than two hundred fifty thousand but fewer
20 than three hundred fifty thousand inhabitants, the election authority shall provide for each

21 polling place in its jurisdiction a number of ballots equal to one and one-third times the
22 number of ballots cast in the voting district served by such polling place or at the polling
23 place that served the voting district in the general election held four years prior. When
24 determining the number of ballots to provide for each polling place, the election authority
25 shall consider any factors that would affect the turnout at such polling place. The election
26 authority shall keep a record of the exact number of ballots delivered to each polling place.
27 For purposes of this subsection, the election authority shall not be required to count registered
28 voters designated as inactive pursuant to section 115.193.

29 4. After the polls have closed on every election day, the election judges shall return all
30 unused ballots to the election authority with the other election supplies.

31 5. All ballots cast in public elections shall be printed and distributed at public
32 expense, payable as provided in sections 115.063 to 115.077.

33 **6. The election authority shall emboss and make available upon request ballots**
34 **in Braille for use by voters who are visually impaired.**

115.281. 1. Except as provided in section 115.914, not later than the sixth Tuesday
2 prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and
4 made available a sufficient quantity of absentee ballots, ballot envelopes and mailing
5 envelopes. As soon as possible after the proper officer calls a special state or county election,
6 the election authority shall cause to have printed and made available a sufficient quantity of
7 absentee ballots, ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots
9 for the election, **including ballots in Braille as required in section 115.247.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the
4 time the application is received, within five working days after they become available, deliver
5 to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the
6 applicant to vote. Delivery shall be made to the voter personally in the office of the election
7 authority or by bipartisan teams appointed by the election authority, or by first class,
8 registered, or certified mail at the discretion of the election authority, or in the case of a
9 covered voter as defined in section 115.902, the method of transmission prescribed in section
10 115.914. Where the election authority is a county clerk, the members of bipartisan teams
11 representing the political party other than that of county clerk shall be selected from a list of
12 persons submitted to the county clerk by the county chairman of that party. If no list is
13 provided by the time that absentee ballots are to be made available, the county clerk may
14 select a person or persons from lists provided in accordance with section 115.087. If the

15 election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it
16 shall not deliver an absentee ballot to the applicant. Within three working days of receiving
17 such an application, the election authority shall notify the applicant and state the reason he or
18 she is not entitled to vote by absentee ballot. The applicant may file a complaint with the
19 elections division of the secretary of state's office under and pursuant to section 115.219.

20 2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the
21 jurisdiction **is confined in a jail**, has become hospitalized, becomes confined due to illness or
22 injury, or is confined in an intermediate care facility, residential care facility, or skilled
23 nursing facility on election day, as such terms are defined in section 198.006, in the county in
24 which the jurisdiction is located or in the jurisdiction of an adjacent election authority within
25 the same county, the election authority shall appoint a team to deliver, witness the signing of
26 and return the voter's application and deliver, witness the voting of and return the voter's
27 absentee ballot. If the election authority receives ten or more applications for absentee ballots
28 from the same address it shall appoint a team to deliver and witness the voting and return of
29 absentee ballots by voters residing at that address, except when such addresses are for an
30 apartment building or other structure wherein individual living units are located, each of
31 which has its own separate cooking facilities. Each team appointed pursuant to this
32 subsection shall consist of two registered voters, one from each major political party. Both
33 members of any team appointed pursuant to this subsection shall be present during the
34 delivery, signing or voting and return of any application or absentee ballot signed or voted
35 pursuant to this subsection.

36 3. On the mailing and ballot envelopes for each covered voter, the election authority
37 shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI"
38 and "U.S. Postage Paid, 39 U.S.C. Section 3406".

39 4. No information which encourages a vote for or against a candidate or issue shall be
40 provided to any voter with an absentee ballot.

✓