

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 2125

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BANDERMAN.

4226H.02P

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 115.158, 115.642, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof nine new sections relating to functions of the secretary of state.

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

Section A. Sections 115.158, 115.642, 347.740, 351.127, 355.023, 356.233, 359.653, 2 400.9-528, and 417.018, RSMo, are repealed and nine new sections enacted in lieu thereof, to 3 be known as sections 115.158, 115.642, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9- 4 528, and 417.018, to read as follows:

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 6 maintained and administered by the secretary of state and contain the name and registration 7 information of 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;

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.

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  
18 to enter the registration information; and

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

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

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

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

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

28 (4) Eliminating duplicate names from the system.

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

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

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

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

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

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

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

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

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

52 (3) The secretary of state and the director of the department of revenue shall enter into  
53 an agreement to match information in the database of the voter registration system with  
54 information in the database of the motor vehicle system, **which shall include information**  
55 **pertaining to the citizenship status of those within the department of revenue's database,**  
56 to enable the secretary to verify the accuracy of information provided on applications for  
57 voter registration.

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

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

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

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

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

115.642. 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the facts of the alleged offense, sworn to, under penalty of perjury.

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

4. (1) The secretary of state may investigate any suspected violation of any of the provisions of sections 115.629 to 115.646.

(2) (a) The secretary of state or an authorized representative of the secretary of state shall have the power to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records by subpoena or otherwise when necessary to conduct an investigation under this section. Such powers shall be exercised only at the specific written direction of the secretary of state or his or her chief deputy.

(b) If any person refuses to comply with a subpoena issued under this ~~subsection~~ **subdivision**, the secretary of state may seek to enforce the subpoena before a court of competent jurisdiction to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. The court may issue an order requiring the person to produce records relating to the matter under investigation or in question. Any person who fails to comply with the order may be held in contempt of court.

~~[(c) The provisions of this subdivision shall expire on August 28, 2025.]~~

347.740. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, ~~[2026]~~ **2031**.

351.127. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee required in this chapter, provided that the secretary of state may collect an  
3 additional fee of ten dollars on each corporate registration report fee filed under section  
4 351.122. All fees collected as provided in this section shall be deposited in the state treasury  
5 and credited to the secretary of state's technology trust fund account. The provisions of this  
6 section shall expire on December 31, ~~2026~~ **2031**.

355.023. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee required in this chapter. All fees collected as provided in this section shall be  
3 deposited in the state treasury and credited to the secretary of state's technology trust fund  
4 account. The provisions of this section shall expire on December 31, ~~2026~~ **2031**.

356.233. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee required in this chapter. All fees collected as provided in this section shall be  
3 deposited in the state treasury and credited to the secretary of state's technology trust fund  
4 account. The provisions of this section shall expire on December 31, ~~2026~~ **2031**.

359.653. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee required in this chapter. All fees collected as provided in this section shall be  
3 deposited in the state treasury and credited to the secretary of state's technology trust fund  
4 account. The provisions of this section shall expire on December 31, ~~2026~~ **2031**.

400.9-528. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as  
3 provided in this section shall be deposited in the state treasury and credited to the secretary of  
4 state's technology trust fund account. The provisions of this section shall expire on December  
5 31, ~~2026~~ **2031**.

417.018. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee required in this chapter. All fees collected as provided in this section shall be  
3 deposited in the state treasury and credited to the secretary of state's technology trust fund  
4 account. The provisions of this section shall expire on December 31, ~~2026~~ **2031**.

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