

# HOUSE BILL NO. 3493

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WILSON.

7508H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 115.158, RSMo, and to enact in lieu thereof three new sections relating to maintenance of voter registration lists.

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

Section A. Section 115.158, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 115.028, 115.158, and 115.220, to read as follows:

**115.028. 1. The department of health and senior services shall, on a monthly basis, provide the secretary of state with a report of every death certificate filed with the department in the preceding month.**

**2. The secretary of state shall, upon receipt of the report required under subsection 1 of this section, notify appropriate local election authorities of the deaths.**

**3. The local election authority shall remove from its voter rolls any names received from the secretary of the state under subsection 2 of this section.**

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

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

(2) Serve as the single system for storing and managing the official list of registered voters throughout 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.

- 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  
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 (5) **In addition to the agreements described in subdivisions (3) and (4) of this**  
61 **subsection, the secretary of state shall enter into, maintain, and implement an**  
62 **agreement or memorandum of understanding with the Department of Homeland**  
63 **Security, or its designee, to utilize the Systematic Alien Verification for Entitlements**  
64 **(SAVE) program for the sole purpose of verifying the citizenship status of registered**  
65 **voters and voter registration applicants.**

66 (6) **The secretary of state shall conduct SAVE verifications at least twice each**  
67 **calendar year and upon each registration where available data indicates potential**  
68 **noncitizenship.**

69 (7) **Before any action based in whole or in part on SAVE information, the**  
70 **election authority shall provide the registered voter or applicant written notice and at**  
71 **least thirty days to respond with acceptable evidence of citizenship. A registered voter**  
72 **shall not be removed from the voter rolls within ninety days of a federal election, except**  
73 **at the voter's request or upon receipt of a final judgment of ineligibility. The secretary**  
74 **of state shall by rule specify acceptable evidence and uniform notice forms and shall**  
75 **track and report the aggregate number of notices issued and outcomes of each**  
76 **investigation.**

77 (8) **The secretary of state may promulgate all necessary rules and regulations for**  
78 **the administration of subdivisions (5) to (7) of this subsection. Any rule or portion of a**  
79 **rule, as that term is defined in section 536.010, that is created under the authority**  
80 **delegated in this section shall become effective only if it complies with and is subject to**  
81 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
82 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
83 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**

84 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
85 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

86 6. In addition to using the system for voter registration, the election authorities and  
87 secretary of state may use the system for the collection and dissemination of election results  
88 and other pertinent information. Any information contained in any state or local voter  
89 registration system, limited to the master voter registration list or any other list generated  
90 from the information, subject to chapter 610, shall not be used for commercial purposes;  
91 provided, however, that the information may be used for elections, for candidates, or for  
92 ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B  
93 misdemeanor. For purposes of this section, "commercial purposes" means the use of a public  
94 record for the purpose of sale or resale or for the purpose of producing a document containing  
95 all or part of the copy, printout, or photograph for sale or the obtaining of names and  
96 addresses from public records for the purpose of solicitation or the sale of names and  
97 addresses to another for the purpose of solicitation or for any purpose in which the purchaser  
98 can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the  
99 public record.

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

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

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

**115.220. 1. State agencies shall provide to the secretary of state, on a schedule to**  
2 **be determined by the secretary of state, any information and data that the secretary of**  
3 **state considers necessary to maintain the statewide voter registration database**  
4 **established according to section 115.158, except where prohibited by federal law or**  
5 **federal regulation. The secretary of state shall ensure that any information or data**  
6 **provided to the secretary of state that is confidential in the possession of the entity**  
7 **providing the data remains confidential while in the possession of the secretary of state.**

8 **2. The secretary of state shall enter into agreements to share information or data**  
9 **that is in the possession of the secretary of state with other states or groups of states, as**  
10 **the secretary of state considers necessary, to maintain the statewide voter registration**  
11 **database. Except as otherwise provided in this section, the secretary of state shall**

12 ensure that any information or data provided to the secretary of state that is  
13 confidential remains confidential while in the possession of the secretary of state.

14       **3. The clerk of each circuit court shall, on or before the tenth day of each month,**  
15 **prepare and transmit to the secretary of state, in a format prescribed by the secretary of**  
16 **state, a complete list of all persons, including addresses, ages, and other identifying**  
17 **information as specified by the secretary of state, who identify themselves as not being**  
18 **citizens of the United States during their qualification to serve as a juror during the**  
19 **preceding calendar month in that county.**

20       **4. Upon receipt of the lists described in subsection 3 of this section, the secretary**  
21 **of state shall transmit the names of such persons whose names appear on the list of**  
22 **electors to the appropriate election authority who shall remove all such names from the**  
23 **voter registration list and shall mail a notice of such action and the reason therefor to**  
24 **the last known address of such persons by first-class mail.**

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