

FIRST REGULAR SESSION

HOUSE BILL NO. 387

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

1040H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.133, 115.155, 115.158, 115.195, and 115.283, RSMo, and to enact in lieu thereof five new sections relating to the right of suffrage for former felons.

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

Section A. Sections 115.133, 115.155, 115.158, 115.195, and 115.283, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.133, 115.155, 115.158, 115.195, and 115.283, to read as follows: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 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 **or under a probation or parole revocation;**

(2) While on probation or parole after conviction of a **dangerous felony, as defined in section 556.061**, until finally discharged from such probation or parole; or

(3) After conviction of a felony **connected with the right of suffrage** 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.

115.155. 1. The election authority shall provide for the registration of each voter.

2 Each application shall be in substantially the following form:

3 APPLICATION FOR REGISTRATION

4 Are you a citizen of the United States?

5 YES NO

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

7 YES NO

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

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

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Date of Birth

Telephone Number

(Optional)

Occupation (Optional)

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

Place of
Birth
(Optional)

Mother's
Maiden
Name
(Optional)

Last Place
Previously
Registered

Under
What
Name

When

Remarks:

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

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 **connected with the right of suffrage** or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction

73 removed pursuant to law. I do solemnly swear that all statements made
 74 on this card are true to the best of my 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.

115.158. 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;

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 to enable the secretary to verify the
55 accuracy of information provided on applications for voter registration.

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

58 6. In addition to using the system for voter registration, the election authorities and
59 secretary of state may use the system for the collection and dissemination of election results

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

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

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

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

115.195. 1. At least once each month, the state or local registrar of vital statistics
2 shall provide to the election authority a list of the name and address, if known, of each person
3 over eighteen years of age in its jurisdiction whose death has been reported to him or her and
4 provide a copy of the list of any death reported in the state to the secretary of state. The
5 secretary of state shall notify the election authority of the jurisdiction in which the deceased
6 resided of the 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
9 known, of each person over eighteen years of age in the court's jurisdiction who has been
10 convicted of any felony **connected with the right of suffrage**, or of a misdemeanor
11 connected with the right of suffrage. A copy of the list shall also be submitted to the secretary
12 of state. The secretary of state shall notify the election authority of the jurisdiction in which
13 an offender resides of the information received pursuant to this subsection.

14 3. At least once each month, the clerk of the probate division of the circuit court of
15 each county and city not within a county shall provide to the election authority a list of the
16 name and address, if known, of each person over eighteen years of age in the court's

17 jurisdiction who has been adjudged incapacitated and has not been restored to capacity. A
 18 copy of the list shall also be submitted to the secretary of state. The secretary of state shall
 19 notify the election authority of the jurisdiction in which such person resides of the
 20 information received pursuant to this subsection.

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

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
 2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason
 3 for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons
 4 established under subdivision (6) of subsection 3 of section 115.277, the voter shall state the
 5 voter's identification information provided by the address confidentiality program in lieu of
 6 the applicant's name, voting address, and mailing address. On the form, the voter shall also
 7 state under penalties of perjury that the voter is qualified to vote in the election, that the voter
 8 has not previously voted and will not vote again in the election, that the voter has personally
 9 marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is
 10 unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter
 11 or under the voter's supervision if the voter is unable to seal it, and that all information
 12 contained in the statement is true. In addition, any person providing assistance to the absentee
 13 voter shall include a statement on the envelope identifying the person providing assistance
 14 under penalties of perjury. Persons authorized to vote only for federal and statewide officers
 15 shall also state their former Missouri residence.

16 2. The statement for persons voting absentee ballots who are registered voters shall be
 17 in substantially the following form:

18 State of Missouri
 19 County (City) of _____
 20 I, _____ (print name), a registered voter of _____ County (City of
 21 St. Louis, Kansas City), declare under the penalties of perjury that I am
 22 voting in person at a location designated by the local election authority
 23 or I expect to be prevented from going to the polls on election day due
 24 to (check one):
 25 _____ absence on election day from the jurisdiction of the election
 26 authority in which I am registered;
 27 _____ incapacity or confinement due to illness or physical disability
 28 on election day, including caring for a person who is
 29 incapacitated or confined due to illness or disability and
 30 resides at the same address;

31 _____ religious belief or practice;
 32 _____ employment as an election authority, by an election authority
 33 at a location other than my polling place, as a first responder,
 34 as a health care worker, or as a member of law enforcement;
 35 _____ incarceration, although I have retained all the necessary
 36 qualifications for voting;
 37 _____ certified participation in the address confidentiality program
 38 established under sections 589.660 to 589.681 because of
 39 safety concerns.

40 I hereby state under penalties of perjury that I am qualified to vote at
 41 this election; I have not voted and will not vote other than by this ballot
 42 at this election. I further state that I marked the enclosed ballot in secret
 43 or that I am blind, unable to read or write English, or physically
 44 incapable of marking the ballot, and the person of my choosing
 45 indicated below marked the ballot at my direction; all of the
 46 information on this statement is, to the best of my knowledge and
 47 belief, true.

48		_____
49	_____	—
50	Signature of Voter	Signature of Person
51		Assisting Voter
52		(if applicable)
53	Signed _____	Subscribed and sworn
54	Signed _____	to before me this
55		_____ day of _____
56	Address of Voter	—, _____
57		_____
58	_____	—
59		_____
60	_____	—
61	Mailing Addresses	Signature of notary or
62	(if different)	other officer
63		authorized to
64		administer oaths

65 3. The statement for persons voting absentee ballots pursuant to the provisions of
66 subsection 4, 5, or 6 of section 115.277 without being registered shall be in substantially the
67 following form:

68 State of Missouri
69 County (City) of _____

70 I, _____ (print name), declare under the penalties of perjury that I am
71 a citizen of the United States and eighteen years of age or older. I am
72 not adjudged incapacitated by any court of law, and if I have been
73 convicted of a felony **connected with the right of suffrage** or of a
74 misdemeanor connected with the right of suffrage, I have had the
75 voting disabilities resulting from such conviction removed pursuant to
76 law. I hereby state under penalties of perjury that I am qualified to vote
77 at this election.

78 I am an interstate former resident of Missouri and authorized to vote
79 for presidential and vice presidential electors.

80 I further state under penalties of perjury that I have not voted and will
81 not vote other than by this ballot at this election; I marked the enclosed
82 ballot in secret or am blind, unable to read or write English, or
83 physically incapable of marking the ballot, and the person of my
84 choosing indicated below marked the ballot at my direction; all of the
85 information on this statement is, to the best of my knowledge and
86 belief, true.

87 _____
88 Signature of Voter

Subscribed to and
sworn before me this
_____ day of
_____, _____

91 _____
92 _____
93 Address of Voter

Signature of notary or
other officer
authorized to
administer oaths

97 _____
98 Mailing Address (if different)

100 _____
101 Signature of Person

Address of Last

102	Assisting Voter	Missouri Residence
103		(if applicable)

104 4. The statement for persons voting absentee ballots who are entitled to vote at the
 105 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
 106 the following form:

107 State of Missouri
 108 County (City) of _____

109 I, _____ (print name), declare under the penalties of perjury that I
 110 expect to be prevented from going to the polls on election day due to
 111 (check one):

- 112 _____ absence on election day from the jurisdiction of the election
- 113 authority in which I am directed to vote;
- 114 _____ incapacity or confinement due to illness or physical disability
- 115 on election day, including caring for a person who is
- 116 incapacitated or confined due to illness or disability and
- 117 resides at the same address;
- 118 _____ religious belief or practice;
- 119 _____ employment as an election authority, by an election authority
- 120 at a location other than my polling place, as a first responder,
- 121 as a health care worker, or as a member of law enforcement;
- 122 _____ incarceration, although I have retained all the necessary
- 123 qualifications of voting;
- 124 _____ certified participation in the address confidentiality program
- 125 established under sections 589.660 to 589.681 because of
- 126 safety concerns.

127 I hereby state under penalties of perjury that I own property in the ____
 128 __ district and am qualified to vote at this election; I have not voted
 129 and will not vote other than by this ballot at this election. I further state
 130 that I marked the enclosed ballot in secret or that I am blind, unable to
 131 read and write English, or physically incapable of marking the ballot,
 132 and the person of my choosing indicated below marked the ballot at my
 133 direction; all of the information on this statement is, to the best of my
 134 knowledge and belief, true.

135 _____
 136 Signature of Voter

Subscribed and sworn
 to before me this
 _____ day of

137

138

_____, _____

139

140

Address

Signature of notary or

142

other officer

143

authorized to

144

administer oaths

145

Signature of Person

146

Assisting Voter

147

(if applicable)

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149

5. The statement for persons providing assistance to absentee voters shall be in

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substantially the following form:

151

The voter needed assistance in marking the ballot and signing above,

152

because of blindness, other physical disability, or inability to read or to

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read English. I marked the ballot enclosed in this envelope at the

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voter's direction, when I was alone with the voter, and I had no other

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communication with the voter as to how he or she was to vote. The

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voter swore or affirmed the voter affidavit above and I then signed the

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voter's name and completed the other voter information above. Signed

158

under the penalties of perjury.

159

Reason why voter needed assistance: _____

160

ASSISTING PERSON SIGN HERE

161

1. _____ (signature of assisting person)

162

2. _____ (assisting person's name printed)

163

3. _____ (assisting person's residence)

164

4. _____ (assisting person's home city or town).

165

6. Notwithstanding any other provision of this section, any covered voter as defined

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in section 115.902 or persons who have declared themselves to be permanently disabled

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pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary

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seal or signature on his or her absentee ballot.

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7. Notwithstanding any other provision of this section or section 115.291 to the

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contrary, the subscription, signature and seal of a notary or other officer authorized to

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administer oaths shall not be required on any ballot, ballot envelope, or statement required by

172

this section if the reason for the voter voting absentee is due to the reasons established

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pursuant to subdivision (2) of subsection 3 of section 115.277.

174 8. No notary shall charge or collect a fee for notarizing the signature on any absentee
175 ballot or absentee voter registration.

176 9. A notary public who charges more than the maximum fee specified or who charges
177 or collects a fee for notarizing the signature on any absentee ballot or absentee voter
178 registration is guilty of official misconduct.

✓