

SECOND REGULAR SESSION

# HOUSE BILL NO. 2585

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BANGERT.

5136H.02I

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.079, 115.085, 115.089, 115.102, and 115.103, RSMo, and to enact in lieu thereof five new sections relating to election judges, with penalty provisions.

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

Section A. Sections 115.079, 115.085, 115.089, 115.102, and 115.103, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 115.079,  
3 115.085, 115.089, 115.102, and 115.103, to read as follows:

115.079. **1. Except as provided in subsection 2 of this section,** all election judges  
2 in each jurisdiction shall be appointed by the election authority.

3 **2. If the election authority determines that there is a shortage of election judges,**  
4 **such judges may be selected at random from a cross-section of the voter registrations of**  
5 **the voters within the election authority's jurisdiction. The manner of selecting such**  
6 **election judges shall be determined by the election authority. When selecting election**  
7 **judges under this subsection, the election authority may use the Missouri voter**  
8 **registration system implemented under this chapter, and may attempt to achieve a**  
9 **representative sample of the population by considering political party affiliation,**  
10 **geographic location, demographics, or relevant skills and experience. Service as an**  
11 **election judge under this subsection shall be voluntary and no citizen shall be excluded**  
12 **from appointment or selection as an election judge under this section on the basis of**  
13 **race, religion, sex, national origin, or economic status. If the election authority selects**  
14 **election judges under this subsection, the election authority shall notify each individual**  
15 **selected by a letter by first-class mail at least fifteen days before the individual is**  
16 **required to appear for the election.**

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.

115.085. No person shall be appointed **or randomly selected** to serve as an election judge who is not a registered voter in this state; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote. Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

115.089. Each board of election commissioners shall have authority to appoint election judges for individual elections, or for a term coincident with the term of the board and until the judges' successors are appointed and qualified. The board may ask the county committee of each major political party to submit a list of persons qualified to serve as election judges and may select and appoint judges from the lists. The board may compile a list of persons who claim no political affiliation and who volunteer to be election judges and may select and appoint judges from the list. **The term of any randomly selected election judge shall not be for more than one year and no election judge shall be required to serve in more than four elections during the election judge's term.**

115.102. 1. An employer shall not terminate, discipline, threaten or take adverse actions against an employee based on the employee's service as an election judge **and no person appointed or randomly selected as an election judge shall be subjected to such actions, except that an employer may reduce the pay of an employee for each hour of work missed by an amount equal to the hourly compensation, excluding expenses, paid to the employee for such election judge service.**

2. An employee who is appointed to serve as an election judge may, on election day, be absent from his or her employment for the period of time that the election authority requires the employee to serve as election judge. Employees ~~must~~ **shall** notify employers at least seven days prior to an election that they will be absent from work on election day due to

11 service as an election judge **but such notice shall not be required for any person**  
12 **appointed to fill a vacancy under section 115.095 as a qualified temporary election**  
13 **judge. Any such person shall be excused upon request from any shift work for the hours**  
14 **during which the person is requested to serve and, if the person is requested to serve**  
15 **eight hours or more, for the eight hours before and after the time period that the person**  
16 **is requested to serve.**

17       **3. No employee serving as an election judge shall be required or requested to use**  
18 **annual, vacation, personal, or sick leave for time spent responding to a request to serve**  
19 **as an election judge, or for time spent training for or serving as an election judge. This**  
20 **subsection shall not be construed to require an employer to provide annual, vacation,**  
21 **personal, or sick leave to employees who are otherwise not entitled to such benefits**  
22 **under the employer's policies.**

23       **4.** An employee discharged in violation of this section may bring a civil action against  
24 the employer within ninety days of discharge for recovery of lost wages and other damages  
25 caused by the violation and for an order directing reinstatement of the employee. If the  
26 employee prevails, the employee shall be entitled to receive reasonable attorney's fees and  
27 costs.

28       **5. Violation of this section by an employer shall be considered a class D**  
29 **misdemeanor.**

115.103. All election authorities shall establish training courses for election judges.  
2 Such courses shall include substantially the curriculum developed by the secretary of state's  
3 office in accordance with the Help America Vote Act of 2002. Election authorities may  
4 compensate judges for attendance at the rate set for election service subject to the approval of  
5 the governing body of a county not having a board of election commissioners, or the political  
6 subdivision or special district. **Each person appointed or randomly selected as an election**  
7 **judge shall report to the office of the election authority or any other designated location**  
8 **to complete any necessary informational forms and to receive training for election judge**  
9 **duties at the time indicated in the notice of appointment or selection.**

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