

FIRST REGULAR SESSION

# HOUSE BILL NO. 917

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

1324H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 115.293 and 115.637, RSMo, and to enact in lieu thereof four new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.293 and 115.637, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.293, 115.637, 115.990, and 115.995, to read as follows:

115.293. 1. All proper votes on each absentee ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. Except as provided in section 115.920, no votes on any absentee ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

2. ~~[If sufficient evidence is shown to an election authority that any absentee voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of \_\_\_\_\_, an absentee voter of \_\_\_\_\_ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law]~~ **All absentee ballots that are properly cast shall be counted after the closing of the polls on election day. If the voter who cast the absentee ballot dies between the time the ballot was cast and the closing of the polls on election day, the ballot shall still be counted if the ballot is post marked or delivered in person to the election authority before the day of the voter's death.**

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.

115.637. The following offenses, and any others specifically so described by law, shall  
2 be class four election offenses and are deemed misdemeanors not connected with the exercise  
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment  
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by  
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample  
7 ballots that may be furnished by an organization or individual at or near any voting place on  
8 election day, except that this subdivision shall not be construed so as to interfere with the right  
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate  
10 and substituting the name of the person for whom he or she intends to vote; or to dispose of the  
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent  
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which  
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,  
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,  
18 or emoluments as fixed by law or promising to pay back or donate to any public or private  
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to  
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned  
23 to him or her;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,  
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging  
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,  
27 political office, holding a position as a member of a political committee, soliciting or receiving  
28 funds for political purpose, acting as chairman or participating in a political convention,  
29 assuming the conduct of any political campaign, signing, or subscribing his or her name to any  
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any  
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any  
33 ballot to or by any person other than the official under whose direction the ballots are being  
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,  
35 with names misspelled, or with the names of candidates arranged in any way other than that  
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of  
38 distributing the printed ballots, or any person acting on his or her behalf, knowingly distributing  
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his or her possession any official ballot, except in the  
41 performance of his or her duty as an election authority or official, or in the act of exercising his  
42 or her individual voting privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, being willfully absent from the polls on election  
45 day without good cause or willfully detaining any election material or equipment and not causing  
46 it to be produced at the voting place at the opening of the polls or within fifteen minutes  
47 thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or  
49 omitting to perform any duty required of him or her by law with respect to holding and  
50 conducting an election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any  
52 information tending in any way to show the state of the count to any other person prior to the  
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his or her  
55 ballot to be seen by any person with the intent of letting it be known how he or she is about to  
56 vote or has voted, or knowingly making a false statement as to his or her inability to mark a  
57 ballot;

58 (15) On the part of any election judge, disclosing to any person the name of any  
59 candidate for whom a voter has voted;

60 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

61 (17) On the part of any person at any registration site, polling place, counting location  
62 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
63 violence, or threats of violence whereby such registration, election, count or verification is  
64 impeded or interfered with;

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,  
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be  
67 voted on at an election on election day inside the building in which a polling place is located or  
68 within ~~twenty-five~~ **one hundred** feet of the building's outer door closest to the polling place,  
69 or, on the part of any person, refusing to remove or permit removal from property owned or  
70 controlled by such person, any such election sign or literature located within such distance on  
71 such day after request for removal by any person;

72 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on  
73 private property, except that this subdivision shall not be construed to interfere with the right of  
74 any private property owner to take any action with regard to campaign yard signs on the owner's  
75 property and this subdivision shall not be construed to interfere with the right of any candidate,  
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's  
77 private property after the election day.

**115.990. 1. The secretary of state shall develop a course on proper methods for  
2 registering voters for employees of state agencies that are required to offer voter  
3 registration in conjunction with the services they provide.**

**4 2. Employees of state agencies shall complete this course before being allowed to  
5 register voters in the course of their other duties.**

**6 3. The secretary of state may promulgate any rules or regulations necessary to  
7 implement this subsection. Any rule or portion of a rule, as that term is defined in section  
8 536.010, that is created under the authority delegated in this section shall become effective  
9 only if it complies with and is subject to all of the provisions of chapter 536 and, if  
10 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of  
11 the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
12 the effective date, or to disapprove and annul a rule are subsequently held  
13 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
14 after August 28, 2019, shall be invalid and void.**

**115.995. 1. The secretary of state shall develop a plan to ensure the cyber security  
2 of the Missouri voter registration system. The plan shall also include training materials  
3 to educate local election authorities on the importance of cyber security and best practices  
4 for maintaining the security of digitally stored records.**

**5 2. In developing this plan, the secretary of state shall consult with the Missouri  
6 association of county clerks and election authorities, as well as with any other public or  
7 private entity as the secretary of state deems necessary.**

**8 3. The secretary of state may promulgate any rules or regulation necessary to  
9 implement this subsection. Any rule or portion of a rule, as that term is defined in section  
10 536.010, that is created under the authority delegated in this section shall become effective  
11 only if it complies with and is subject to all of the provisions of chapter 536 and, if  
12 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of  
13 the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
14 the effective date, or to disapprove and annul a rule are subsequently held  
15 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
16 after August 28, 2019, shall be invalid and void.**