

# SENATE BILL NO. 1136

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

3888S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 115.133, 115.155, and 115.161, RSMo, and to enact in lieu thereof five new sections relating to voting accessibility for persons with disabilities, with an effective date.

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

Section A. Sections 115.133, 115.155, and 115.161, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.133, 115.134, 115.155, 115.161, and 115.226, to read as follows: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;
- (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
- (3) After conviction of a felony 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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 the jurisdiction of his or her residence prior to the  
20 deadline to register to vote.

21 **4. A person with disabilities under a conservatorship**  
22 **or an incapacitated person under a guardianship may register**  
23 **to vote, provided a court order has not made findings of**  
24 **fact by clear and convincing evidence that the person cannot**  
25 **communicate, with or without reasonable accommodations, a**  
26 **desire to participate in the voting process pursuant to**  
27 **section 115.134 and the individual is not otherwise**  
28 **disqualified from voting.**

115.134. 1. A person is presumed competent to vote  
2 regardless of his or her guardianship or conservatorship  
3 status. A person shall be deemed mentally incapacitated for  
4 purposes of voting, if, during the course of any proceedings  
5 establishing a guardian or conservator, the court finds by  
6 clear and convincing evidence that the person cannot  
7 communicate, with or without reasonable accommodations, a  
8 desire to participate in the voting process, and a guardian  
9 or conservator for the person or the person's estate is  
10 appointed pursuant to chapter 475.

2. If an order establishing a guardianship or  
12 conservatorship is made and in connection with the order it  
13 is found by clear and convincing evidence that the person  
14 cannot communicate, with or without reasonable  
15 accommodations, a desire to participate in the voting  
16 process, the court shall forward the order and determination  
17 to the secretary of state and the election authority in the  
18 person's jurisdiction in the format prescribed by the  
19 secretary of state.

115.155. 1. The election authority shall provide for  
2 the registration of each voter. Each application shall be  
3 in substantially the following form:

4 APPLICATION FOR REGISTRATION

5 Are you a citizen of the United States?

6  YES  NO

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

8  YES  NO

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

11 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING  
12 FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT,  
13 VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH  
14 INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL  
15 IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A  
16 BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER  
17 PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI  
18 DRIVER'S LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

19 \_\_\_\_\_  
20

21 Township (or Ward)

22 \_\_\_\_\_

23 Name Precinct

24 \_\_\_\_\_

25 Home Address Required Personal  
26 Identification  
27 Information

28 \_\_\_\_\_

29 City ZIP

30 \_\_\_\_\_

31 Date of Birth Place of Birth  
32 (Optional)

33 \_\_\_\_\_

34 Telephone Number Mother's Maiden  
35 (Optional) Name (Optional)

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Occupation  
(Optional)

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

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  
or of a misdemeanor connected with the right of suffrage, I  
have had the voting disabilities resulting from such  
conviction removed pursuant to law. I do solemnly swear  
that all statements made on this card are true to the best  
of my knowledge and belief.

I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM  
NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS  
ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF  
NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO  
THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR  
BY BOTH SUCH IMPRISONMENT AND FINE.

\_\_\_\_\_

\_\_\_\_\_

Last Place  
Previously  
Registered

\_\_\_\_\_

Under What Name

\_\_\_\_\_

When

\_\_\_\_\_

73 Signature of Voter Date

74 \_\_\_\_\_

75 Signature of Election Official

76 2. The options for political party affiliation  
77 required by the application described in subsection 1 of  
78 this section shall include all established political parties  
79 and an option to be unaffiliated. If an applicant does not  
80 designate an affiliation, the election authority shall mark  
81 the applicant's form as unaffiliated.

82 3. After supplying all information necessary for the  
83 registration records, each applicant who appears in person  
84 before the election authority shall swear or affirm the  
85 statements on the registration application by signing his or  
86 her full name, witnessed by the signature of the election  
87 authority or such authority's deputy registration official.  
88 Each applicant who applies to register by mail pursuant to  
89 section 115.159, or pursuant to section 115.160 or 115.162,  
90 shall attest to the statements on the application by his or  
91 her signature.

92 4. Upon receipt by mail of a completed and signed  
93 voter registration application, a voter registration  
94 application forwarded by the division of motor vehicle and  
95 drivers licensing of the department of revenue pursuant to  
96 section 115.160, or a voter registration agency pursuant to  
97 section 115.162, the election authority shall, if satisfied  
98 that the applicant is entitled to register, transfer all  
99 data necessary for the registration records from the  
100 application to its registration system. Within seven  
101 business days after receiving the application, the election  
102 authority shall send the applicant a verification notice.

103 If such notice is returned as undeliverable by the postal  
104 service within the time established by the election  
105 authority, the election authority shall not place the  
106 applicant's name on the voter registration file.

107 5. If, upon receipt by mail of a voter registration  
108 application or a voter registration application forwarded  
109 pursuant to section 115.160 or 115.162, the election  
110 authority determines that the applicant is not entitled to  
111 register, such authority shall, within seven business days  
112 after receiving the application, so notify the applicant by  
113 mail and state the reason such authority has determined the  
114 applicant is not qualified. The applicant may file a  
115 complaint with the elections division of the secretary of  
116 state's office under and pursuant to section 115.219. If an  
117 applicant for voter registration fails to answer the  
118 question on the application concerning United States  
119 citizenship, the election authority shall notify the  
120 applicant of the failure and provide the applicant with an  
121 opportunity to complete the form in a timely manner to allow  
122 for the completion of the registration form before the next  
123 election.

124 6. The secretary of state shall prescribe  
125 specifications for voter registration documents so that they  
126 are uniform throughout the state of Missouri and comply with  
127 the National Voter Registration Act of 1993, including the  
128 reporting requirements, and so that registrations, name  
129 changes and transfers of registrations within the state may  
130 take place as allowed by law.

131 7. All voter registration applications shall be  
132 preserved in the office of the election authority.

133           **8. A person with disabilities who is otherwise**  
134 **qualified to vote may complete a voter registration form**  
135 **with reasonable accommodations, as needed.**

          115.161. **1.** If any person applying to register in  
2 person pursuant to this [subchapter] **chapter** is unable to  
3 write, the election official shall fill in the registration  
4 cards, and the applicant shall sign by mark, witnessed by  
5 the election official. The election official shall note the  
6 applicant's height in feet and inches, weight, color of eyes  
7 and other distinguishing features under the title "Remarks"  
8 on the registration cards.

9           **2. A person shall not be disqualified from voting due**  
10 **to:**

11           **(1) Signing a voter registration form with a mark**  
12 **pursuant to subsection 1 of this section;**

13           **(2) Completing a voter registration form with the**  
14 **assistance of another person; or**

15           **(3) Completing a voter registration form with**  
16 **reasonable accommodations pursuant to subsection 8 of**  
17 **section 115.155.**

          115.226. Each election authority shall ensure that  
2 each polling place in its jurisdiction has a sufficient  
3 number of voting systems that are accessible for individuals  
4 with disabilities. Such systems shall be used for all  
5 elections, including municipal elections, and shall comply  
6 with the provisions of sections 115.225 to 115.273 as well  
7 as Section 301 of the federal Help America Vote Act, 52  
8 U.S.C.A. Section 21081.

          Section B. Section A of this act shall become  
2 effective on January 1, 2025.

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