

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 3

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2010, and ordered printed.

Read 2nd time January 12, 2011, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee February 10, 2011, with recommendation that the bill do pass.

Taken up for Perfection February 15, 2011. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0283S.01P

AN ACT

To repeal sections 115.205, 115.427, 115.430, and 115.631, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and a contingent effective date.

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

Section A. Sections 115.205, 115.427, 115.430, and 115.631, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 115.148, 115.205, 115.427, 115.430, and 115.631, to read as follows:

115.148. 1. Each individual who requests fifty or more voter
2 registration applications from the secretary of state and who is not a
3 deputy registration official, whether such person is making the request
4 on his or her own behalf or on behalf of a group, organization, or some
5 other entity, shall be at least eighteen years of age and shall submit the
6 information required by subsection 2 of section 115.205 before receiving
7 the applications. The secretary of state shall keep this information on
8 file with the number of the voter registration applications supplied to
9 that individual.

10 2. Any person who knowingly signs any name other than their
11 own to any voter registration application shall be guilty of a class one
12 election offense.

13 3. The secretary of state shall make available to persons making
14 a request for voter registration applications a computer-based
15 registration training or other registration training in a manner

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

16 **prescribed by the secretary of state. If a request is made on behalf of**
17 **a group or organization, the training shall be made available to each**
18 **person who will distribute the voter registration applications provided**
19 **to that group or organization.**

115.205. 1. Any person who is paid or otherwise compensated for
2 soliciting more than ten voter registration applications, other than a
3 governmental entity or a person who is paid or compensated by a governmental
4 entity for such solicitation, shall be registered with the secretary of state as a
5 voter registration solicitor. A voter registration solicitor shall register for every
6 election cycle that begins on the day after the general election and ends on the
7 day of the general election two years later. A voter registration solicitor shall be
8 at least eighteen years of age and shall be a registered voter in the state of
9 Missouri.

10 2. Each voter registration solicitor shall provide the following information
11 in writing to the secretary of state's office **on a form prescribed by the**
12 **secretary of state:**

13 (1) The name of the voter registration solicitor;

14 (2) The residential address, including street number, city, state, and zip
15 code;

16 (3) The mailing address, if different from the residential address;

17 (4) Whether the voter registration solicitor expects to be paid for soliciting
18 voter registrations;

19 (5) If the voter registration solicitor expects to be paid, the identity of the
20 payor; [or]

21 (6) **Whether the voter registration solicitor is acting on behalf of**
22 **a group or organization;**

23 (7) **If the voter registration solicitor is acting on behalf of a**
24 **group or organization, the identity of the group or organization; and**

25 (8) The signature of the voter registration solicitor.

26 3. The solicitor information required in subsection 2 of this section shall
27 be submitted to the secretary of state's office with the following oath and
28 affirmation: "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY
29 THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

30 4. Any voter registration solicitor who knowingly fails to register with the
31 secretary of state **or who falsely swears to the above oath or affirmation**
32 **knowing it to be false** is guilty of a class three election offense. Voter

33 registration applications shall be accepted by the election authority if such
34 applications are otherwise valid, even if the voter registration solicitor who
35 procured the applications fails to register with or submits false information to the
36 secretary of state.

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote**
2 **in a public election** shall establish their identity and eligibility to vote at the
3 polling place by presenting a form of personal identification **to election**
4 **officials.** ["Personal identification" shall mean only] **No form of personal**
5 **identification other than the forms listed in this section shall be**
6 **accepted to establish a voter's qualifications to vote. Forms of personal**
7 **identification that satisfy the requirements of this section are any one**
8 of the following:

9 (1) Nonexpired Missouri driver's license [showing the name and a
10 photograph or digital image of the individual]; [or]

11 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the
12 name and a photographic or digital image of the individual]; [or]

13 (3) **Any identification containing a photograph of the individual**
14 **that is issued by the Missouri National Guard, the United States armed**
15 **forces, or the United States Department of Veterans Affairs to a**
16 **member or former member of the Missouri National Guard or the**
17 **United States armed forces and that does not have an expiration date;**
18 **or**

19 (4) A document that satisfies all of the following requirements:

20 (a) The document contains the name of the individual to whom the
21 document was issued, and the name substantially conforms to the most recent
22 signature in the individual's voter registration record;

23 (b) The document shows a [photographic or digital image] **photograph**
24 of the individual;

25 (c) The document includes an expiration date, and the document is not
26 expired, or if expired, **the document** expired [not before] **after** the date of the
27 most recent general election; and

28 (d) The document was issued by the United States or the state of
29 Missouri[; or]

30 (4) Any identification containing a photographic or digital image of the
31 individual which is issued by the Missouri National Guard, the United States
32 armed forces, or the United States Department of Veteran Affairs to a member

33 or former member of the Missouri National Guard or the United States armed
34 forces and that does not have an expiration date].

35 2. [The] **All election authority costs associated with the**
36 **implementation of the photo identification requirements of this section**
37 **shall be reimbursed from the general revenue of this state by an**
38 **appropriation for that purpose. If there is no appropriation of state**
39 **funds, then election authorities shall not enforce the photo**
40 **identification requirements of this section.**

41 3. **Each** election authority shall post a clear and conspicuous notice at
42 each polling place informing each voter who appears at the polling place without
43 a form of personal identification that satisfies the requirements of [subsection 1
44 of] this section that the voter may return to the polling place with a proper form
45 of personal identification and vote a regular ballot after election judges have
46 verified the voter's identity and eligibility under [subsection 1 of] this section. In
47 addition to such posting, the election judges **at each polling place** may also
48 inform such voters by written or oral communication of such information posted
49 in the notice. Voters who return to the polling place during the uniform polling
50 hours established by section 115.407 with a current and valid form of personal
51 identification shall be given priority in any voting lines.

52 [3.] 4. An individual who appears at a polling place without **a form of**
53 **personal** identification [in the form] described in [subsection 1 of] this section
54 and who is otherwise qualified to vote at that polling place may execute an
55 affidavit averring that the voter is the person listed in the precinct register [and
56 that the voter], does not possess a form of **personal** identification specified in
57 this section and is unable to obtain a current and valid form of personal
58 identification because of:

59 (1) A physical or mental disability or handicap of the voter, if the voter
60 is otherwise competent to vote under Missouri law; [or]

61 (2) **The inability to pay for or obtain a birth certificate or other**
62 **supporting documentation that is necessary to obtain the identification**
63 **required to vote under this section;**

64 (3) A sincerely held religious belief against the forms of personal
65 identification described in [subsection 1 of] this section; or

66 [(3)] (4) The voter being born on or before January 1, 1941.

67 (5) **The voter had his or her driver's license confiscated following**
68 **arrest or summons for a traffic or other offense. In order to vote under**

69 **the provisions of this subdivision, the voter must produce to the**
70 **election authority a copy of the traffic summons or temporary permit.**

71 Upon executing such affidavit, the individual may cast a provisional
72 ballot. Such provisional ballot shall be counted, provided the election authority
73 verifies the identity of the individual by comparing that individual's signature to
74 the signature on file with the election authority and determines that the
75 individual was eligible to cast a ballot at the polling place where the ballot was
76 cast.

77 **[4.] 5.** The affidavit to be used for voting under subsection 3 of this
78 section shall be substantially in the following form:

79 "State of

80 County of

81 I do solemnly swear (or affirm) that my name is; that I
82 reside at; and that I am the person listed in the
83 precinct register under this name and at this address. I further swear (or affirm)
84 that I am unable to obtain a current and valid form of personal identification
85 because of:

86 A physical or mental disability or handicap; [or]

87 **An inability to pay for or obtain a birth certificate or other**
88 **supporting documentation necessary to obtain the identification**
89 **required to vote under this section;**

90 A sincerely held religious belief; or

91 My being born on or before January 1, 1941.

92 I understand that knowingly providing false information is a violation of law and
93 subjects me to possible criminal prosecution.

94

95 Signature of voter

96 Subscribed and affirmed before me this day of, 20.....

97

98 Signature of election official"

99 **[5.] 6.** A voter shall be allowed to cast a provisional ballot under section
100 115.430 even if the election judges cannot establish the voter's identity **and**
101 **eligibility** under [subsection 1 of] this section. The election judges shall make
102 a notation on the provisional ballot envelope to indicate that the voter's identity
103 was not verified. The provisional ballot cast by such voter shall not be counted

104 unless:

105 (1) The voter returns to the polling place during the uniform polling hours
106 established by section 115.407 and provides a form of personal identification that
107 allows the election judges to verify the voter's identity as provided in [subsection
108 1 of] this section; and

109 (2) The provisional ballot otherwise qualifies to be counted under section
110 115.430.

111 [6.] 7. The [secretary of state] **election authority** shall provide advance
112 notice of the personal identification requirements of [subsection 1 of] this section
113 in a manner calculated to inform the public generally of the requirement for
114 [photographic] **forms of** personal identification as provided in this
115 section[. Such advance notice shall include, at a minimum, the use of
116 advertisements and public service announcements in print, broadcast television,
117 radio, and cable television media, as well as the posting of information on the
118 opening pages of the official state Internet websites of the secretary of state and
119 governor] **to be included in the notice required under sections 115.127**
120 **and 115.129.**

121 [7.] 8. The provisions of section 136.055 and section 302.181
122 notwithstanding, **the state, including any license fee office, shall provide**
123 **at least one such form of the personal identification required to vote at**
124 **no cost to any otherwise qualified voter who does not already possess**
125 **such identification and who desires the identification in order to**
126 **vote. Any other provisions of law notwithstanding, the state or any**
127 **agency of the state shall provide at least one form of documents**
128 **required to obtain the personal identification required to vote at no**
129 **cost to any otherwise qualified voter who does not already possess such**
130 **documents and who desires the documents in order to obtain an**
131 **identification to vote.** Any applicant who requests a nondriver's license with
132 a photograph or digital image for the purpose of voting shall not be required to
133 pay a fee if the applicant executes an affidavit averring that the applicant does
134 not have any other form of [photographic] personal identification that meets the
135 requirements of [subsection 1 of] this section. The state of Missouri shall pay the
136 legally required fees for any such applicant. The director shall design an
137 affidavit to be used for this purpose. [However, any disabled or elderly person
138 otherwise competent to vote shall be issued a nondriver's license photo
139 identification through a mobile processing system operated by the Missouri

140 department of revenue upon request if the individual is physically unable to
 141 otherwise obtain a nondriver's license photo identification. The department of
 142 revenue shall make nondriver's license photo identifications available through its
 143 mobile processing system only at facilities licensed under chapter 198 and other
 144 public places accessible to and frequented by disabled and elderly persons. The
 145 department shall provide advance notice of the times and places when the mobile
 146 processing system will be available. At least nine mobile units housed under the
 147 office of administration shall remain available for dispatch upon the request of
 148 the department of revenue to fulfill the requirements of this section.] The total
 149 cost associated with nondriver's license photo identification under this subsection
 150 shall be borne by the state of Missouri from funds appropriated to the department
 151 of revenue for that specific purpose. The department of revenue and a local
 152 election authority may enter into a contract that allows the local election
 153 authority to assist the department in issuing nondriver's license photo
 154 identifications.

155 [8.] 9. The director of the department of revenue shall, by January first
 156 of each year, prepare and deliver to each member of the general assembly a report
 157 documenting the number of individuals who have requested and received a
 158 nondriver's license photo identification for the purposes of voting under this
 159 section. The report shall also include the number of persons requesting a
 160 nondriver's license for purposes of voting under this section, but not receiving
 161 such license, and the reason for the denial of the nondriver's license.

162 [9.] 10. The precinct register shall serve as the voter identification
 163 certificate. The following form shall be printed at the top of each page of the
 164 precinct register:

165 VOTER'S IDENTIFICATION CERTIFICATE

166 Warning: It is against the law for anyone to vote, or attempt to vote, without
 167 having a lawful right to vote.

168 PRECINCT

169 WARD OR TOWNSHIP

170 GENERAL (SPECIAL, PRIMARY) ELECTION

171 Held, 20.....

172 Date

173 I hereby certify that I am qualified to vote at this election by signing my name
 174 and verifying my address by signing my initials next to my address.

175 [10.] 11. The secretary of state shall promulgate rules to effectuate the

176 provisions of this section.

177 [11.] **12.** Any rule or portion of a rule, as that term is defined in section
178 536.010, that is created under the authority delegated in this section shall
179 become effective only if it complies with and is subject to all of the provisions of
180 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
181 nonseverable and if any of the powers vested with the general assembly pursuant
182 to chapter 536 to review, to delay the effective date or to disapprove and annul
183 a rule are subsequently held unconstitutional, then the grant of rulemaking
184 authority and any rule proposed or adopted after August 28, 2002, shall be
185 invalid and void.

186 [12.] **13.** If any voter is unable to sign his name at the appropriate place
187 on the certificate or computer printout, an election judge shall print the name and
188 address of the voter in the appropriate place on the precinct register, the voter
189 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
190 by the signature of an election judge.

191 [13. For any election held on or before November 1, 2008, an individual
192 who appears at a polling place without identification in the form described in
193 subsection 1 of this section, and who is otherwise qualified to vote at that polling
194 place, may cast a provisional ballot after:

195 (1) Executing an affidavit which is also signed by two supervising election
196 judges, one from each major political party, who attest that they have personal
197 knowledge of the identity of the voter, provided that the two supervising election
198 judges who sign an affidavit under this subdivision shall not be involved or
199 participate in the verification of the voter's eligibility by the election authority
200 after the provisional ballot is cast; or

201 (2) (a) Executing an affidavit affirming his or her identity; and

202 (b) Presenting a form of identification from the following list:

203 a. Identification issued by the state of Missouri, an agency of the state,
204 or a local election authority of the state;

205 b. Identification issued by the United States government or agency
206 thereof;

207 c. Identification issued by an institution of higher education, including a
208 university, college, vocational and technical school, located within the state of
209 Missouri;

210 d. A copy of a current utility bill, bank statement, government check,
211 paycheck, or other government document that contains the name and address of

212 the voter; or

213 e. Driver's license or state identification card issued by another
214 state. Such provisional ballot shall be entitled to be counted, provided the
215 election authority verifies the identity of the individual by comparing that
216 individual's signature to the current signature on file with the election authority
217 and determines that the individual was otherwise eligible to cast a ballot at the
218 polling place where the ballot was cast.

219 14. The affidavit to be used for voting under subsection 13 of this section
220 shall be substantially in the following form:

221 "State of
222 County of
223 I do solemnly swear (or affirm) that my name is;
224 that I reside at; and that I am the person listed in the precinct
225 register under this name and at this address. I understand that knowingly
226 providing false information is a violation of law and subjects me to possible
227 criminal prosecution.
228
229 Signature of voter
230 Subscribed and affirmed before me this day of, 20....
231
232 Signature of Election Official".

233 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall
234 become effective August 28, 2006, and this subsection shall expire September 1,
235 2006.]

115.430. 1. This section shall apply [to primary and general elections
2 where candidates for federal or statewide offices are nominated or elected and
3 any election where statewide issue or issues are submitted to the voters.

4 **2.] in all elections. However, provisional ballots shall not be**
5 **available for absentee voting.**

6 (1) A voter claiming to be properly registered in the jurisdiction of the
7 election authority and eligible to vote in an election, but whose eligibility at that
8 precinct cannot be immediately established upon examination of the precinct
9 register, shall be entitled to vote a provisional ballot after providing a form of
10 personal identification required pursuant to section 115.427 or upon executing an
11 affidavit under section 115.427, or may vote at a central polling place as
12 established in section 115.115 where the voter may vote his or her appropriate

13 ballot for his or her precinct of residence upon verification of eligibility or vote a
14 provisional ballot if eligibility cannot be determined. The provisional ballot
15 provided to a voter under this section shall be the ballot provided to a resident
16 of the voter's precinct determined by reference to the affidavit provided for in this
17 section. If the voter declares that the voter is eligible to vote and the election
18 authority determines that the voter is eligible to vote at another polling place, the
19 voter shall be directed to the correct polling place or a central polling place as
20 established by the election authority pursuant to subsection 5 of section 115.115.
21 If the voter refuses to go to the correct polling place or a central polling place, the
22 voter shall be permitted to vote a provisional ballot at the incorrect polling place,
23 but such ballot shall not be counted if the voter was not eligible to vote at that
24 polling place.

25 (2) The following steps shall be taken to establish a voter's eligibility to
26 vote at a polling place:

27 (a) The election judge shall examine the precinct register as provided in
28 section 115.425. If the voter is registered and eligible to vote at the polling place,
29 the voter shall receive a regular ballot;

30 (b) If the voter's eligibility cannot be immediately established by
31 examining the precinct register, the election judge shall contact the election
32 authority. If the election authority cannot immediately establish that the voter
33 is registered and eligible to vote at the polling place upon examination of the
34 Missouri voter registration system, or if the election judge is unable to make
35 contact with the election authority immediately, the voter shall be notified that
36 the voter is entitled to a provisional ballot.

37 (3) The voter shall have the duty to appear and vote at the correct polling
38 place. If an election judge determines that the voter is not eligible to vote at the
39 polling place at which a voter presents himself or herself, and if the voter appears
40 to be eligible to vote at another polling place, the voter shall be informed that he
41 or she may cast a provisional ballot at the current polling place or may travel to
42 the correct polling place or a central polling place, as established by the election
43 authority under subsection 5 of section 115.115, where the voter may cast a
44 regular ballot or provisional ballot if the voter's eligibility still cannot be
45 determined. Provisional ballots cast at a polling place shall be counted only if the
46 voter was eligible to vote at such polling place as provided in subsection 5 of this
47 section.

48 (4) For a voter requesting an absentee ballot in person, such voter shall

49 be entitled to cast a provisional ballot when the voter's eligibility cannot be
50 immediately established upon examination of the precinct registers or the
51 Missouri voter registration system.

52 (5) Prior to accepting any provisional ballot at the polling place, the
53 election judges shall determine that the information provided on the provisional
54 ballot envelope by the provisional voter is consistent with the identification
55 provided by such person under section 115.427.

56 [3.] 2. (1) No person shall be entitled to receive a provisional ballot until
57 such person has completed a provisional ballot affidavit on the provisional ballot
58 envelope.

59 (2) The secretary of state shall produce appropriate sizes of provisional
60 ballot envelopes and distribute them to each election authority according to their
61 tabulating system. All provisional ballot envelopes shall be printed on a
62 distinguishable color of paper that is different from the color of the regular
63 ballot. The provisional ballot envelope shall be in the form required by
64 subsection 4 of this section. All provisional ballots shall be marked with a
65 conspicuous stamp or other distinguishing mark that makes them readily
66 distinguishable from the regular ballots.

67 (3) Once voted, the provisional ballot shall be placed and sealed in a
68 provisional ballot envelope.

69 [4.] 3. The provisional ballot in its envelope shall be deposited in the
70 ballot box. The provisional ballot envelope shall be completed by the voter for use
71 in determining eligibility. The provisional ballot envelope specified in this section
72 shall contain a voter's certificate which shall be in substantially the following
73 form:

74 STATE OF

75 COUNTY OF

76 I do solemnly swear (or affirm) that my name is
77; that my date of birth is; that the
78 last four digits of my Social Security Number are; that I am
79 registered to vote in County or City (if a City not within a
80 County), Missouri; that I am a qualified voter of said County (or City not within
81 a County); that I am eligible to vote at this polling place; and that I have not
82 voted in this election.

83 I understand that if the above-provided information is not correct and the
84 election authority determines that I am not registered and eligible to vote, my

85 vote will not be counted. I further understand that knowingly providing false
86 information is a violation of law and subjects me to possible criminal prosecution.

87

88 (Signature of Voter)

89

90 (Current Address)

91 Subscribed and affirmed before me this day of, 20.....

92

93 (Signature of Election Official)

94 The voter may provide additional information to further assist the election
95 authority in determining eligibility, including the place and date the voter
96 registered to vote, if known.

97 [5.] 4. (1) Prior to counting any provisional ballot, the election authority
98 shall determine if the voter is registered and eligible to vote and if the vote was
99 properly cast. The eligibility of provisional votes shall be determined according
100 to the requirements for a voter to cast a ballot in the election as set forth in
101 sections 115.133 and 115.135. A provisional voter ballot shall not be eligible to
102 be counted until the election authority has determined that:

103 (a) The voter cast such provisional ballot at a polling place established for
104 the voter or the central polling place established by the election authority under
105 subsection 5 of section 115.115;

106 (b) The individual who cast the provisional ballot is an individual
107 registered to vote in the respective election at the polling place where the ballot
108 was cast;

109 (c) The voter did not otherwise vote in the same election by regular ballot,
110 absentee ballot, or otherwise; and

111 (d) The information on the provisional ballot envelope is found to be
112 correct, complete, and accurate.

113 (2) When the ballot boxes are delivered to the election authority from the
114 polling places, the receiving teams shall separate the provisional ballots from the
115 rest of the ballots and place the sealed provisional ballot envelopes in a separate
116 container. Teams of election authority employees or teams of election judges with
117 each team consisting of one member of each major political party shall photocopy
118 each provisional ballot envelope, such photocopy to be used by the election
119 authority to determine provisional voter eligibility. The sealed provisional ballot
120 envelopes shall be placed by the team in a sealed container and shall remain

121 therein until tabulation.

122 (3) To determine whether a provisional ballot is valid and entitled to be
123 counted, the election authority shall examine its records and verify that the
124 provisional voter is properly registered and eligible to vote in the election. If the
125 provisional voter has provided information regarding the registration agency
126 where the provisional voter registered to vote, the election authority shall make
127 an inquiry of the registration agency to determine whether the provisional voter
128 is properly registered and eligible to vote in the election.

129 (4) If the election authority determines that the provisional voter is
130 registered and eligible to vote in the election, the election authority shall provide
131 documentation verifying the voter's eligibility. Such documentation shall be
132 noted on the copy of the provisional ballot envelope and shall contain
133 substantially the following information:

- 134 (a) The name of the provisional voter;
 - 135 (b) The name of the reviewer;
 - 136 (c) The date and time; and
 - 137 (d) A description of evidence found that supports the voter's eligibility.
- 138 (5) The local election authority shall record on a provisional ballot
139 acceptance/rejection list the provisional ballot identification number and a
140 notation marking it as accepted.

141 (6) If the election authority determines that the provisional voter is not
142 registered or eligible to vote in the election, the election authority shall provide
143 documentation verifying the voter's ineligibility. Such documentation shall be
144 noted on the copy of the provisional ballot envelope and shall contain
145 substantially the following information:

- 146 (a) The name of the provisional voter;
- 147 (b) The name of the reviewer;
- 148 (c) The date and time;
- 149 (d) A description of why the voter is ineligible.

150 (7) The local election authority shall record on a provisional ballot
151 acceptance/rejection list the provisional ballot identification number and notation
152 marking it as rejected.

153 (8) If rejected, a photocopy of the envelope shall be made and used by the
154 election authority as a mail-in voter registration. The actual provisional ballot
155 envelope shall be kept as ballot material, and the copy of the envelope shall be
156 used by the election authority for registration record keeping.

157 **[6.] 5.** All provisional ballots cast by voters whose eligibility has been
158 verified as provided in this section shall be counted in accordance with the rules
159 governing ballot tabulation. Provisional ballots shall not be counted until all
160 provisional ballots are determined either eligible or ineligible and all provisional
161 ballots must be processed before the election is certified. The provisional ballot
162 shall be counted only if the election authority determines that the voter is
163 registered and eligible to vote. Provisional ballots voted in the wrong polling
164 place shall not be counted. If the voter is not registered but is qualified to
165 register for future elections, the affidavit shall be considered a mail-in application
166 to register to vote pursuant to this chapter.

167 **[7.] 6.** (1) After the election authority completes its review of the
168 provisional voter's eligibility under subsection 5 of this section, the election
169 authority shall deliver the provisional ballots and copies of the provisional ballot
170 envelopes that include eligibility information to bipartisan counting teams, which
171 may be the board of verification, for review and tabulation. The election
172 authority shall maintain a record of such delivery. The record shall include the
173 number of ballots delivered to each team and shall include a signed receipt from
174 two judges, one from each major political party. The election authority shall
175 provide each team with a ballot box and material necessary for tabulation.

176 (2) If the person named on the provisional ballot affidavit is found to have
177 been properly qualified and registered to cast a ballot in the election and the
178 provisional ballot otherwise qualifies to be counted under the provisions of this
179 section, the envelope shall be opened, and the ballot shall be placed in a ballot
180 box to be counted.

181 (3) If the person named on the provisional ballot affidavit is found not to
182 have been properly qualified and registered to cast a ballot in the election or if
183 the election authority is unable to determine such person's right to vote, the
184 envelope containing the provisional ballot shall not be opened, and the person's
185 vote shall not be counted. The members of the team shall follow the procedures
186 set forth in subsection 5 of this section for rejected provisional ballots.

187 (4) The votes shall be tallied and the returns made as provided in sections
188 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a
189 team have been counted, the ballots, ballot envelopes, and copies of ballot
190 envelopes with the eligibility information provided by the election authority shall
191 be enclosed in sealed containers marked "Voted provisional ballots and ballot
192 envelopes from the election held, 20...". All rejected provisional ballots,

193 ballot envelopes, and copies of ballot envelopes with the eligibility information
194 provided by the election authority shall be enclosed in sealed containers marked
195 "Rejected provisional ballots and ballot envelopes from the election held
196, 20...". On the outside of each voted ballot and rejected ballot
197 container, each member of the team shall write their name and all such
198 containers shall be returned to the election authority. Upon receipt of the returns
199 and ballots, the election authority shall tabulate the provisional votes.

200 [8.] 7. Challengers and watchers, as provided by sections 115.105 and
201 115.107, may be present during all times that the bipartisan counting teams are
202 reviewing or counting the provisional ballots, the provisional ballot envelopes, or
203 copies of the provisional ballot envelopes that include eligibility information
204 provided by the election authority. Challengers and watchers shall be permitted
205 to observe the determination of the eligibility of all provisional ballots. The
206 election authority shall notify the county chair of each major political party of the
207 time and location when bipartisan counting teams will be reviewing or counting
208 the provisional ballots, the provisional ballot envelopes, or the copies of the
209 provisional ballot envelopes that include the eligibility information provided by
210 the election authority.

211 [9.] 8. The certificate of ballot cards shall:

- 212 (1) Reflect the number of provisional envelopes delivered; and
213 (2) Reflect the number of sealed provisional envelopes with voted ballots
214 deposited in the ballot box.

215 [10.] 9. In counties where the voting system does not utilize a paper
216 ballot, the election authority shall provide the appropriate provisional ballots to
217 each polling place.

218 [11.] 10. The secretary of state may promulgate rules for purposes of
219 ensuring the uniform application of this section. No rule or portion of a rule
220 promulgated pursuant to the authority of this section shall become effective
221 unless it has been promulgated pursuant to chapter 536.

222 [12.] 11. The secretary of state shall design and provide to the election
223 authorities the envelopes and forms necessary to carry out the provisions of this
224 section.

225 [13.] 12. Pursuant to the Help America Vote Act of 2002, the secretary
226 of state shall ensure a free access system is established, such as a toll-free
227 number or an Internet website, that any individual who casts a provisional ballot
228 may access to discover whether the vote of that individual was counted, and, if

229 the vote was not counted, the reason that the vote was not counted. At the time
230 an individual casts a provisional ballot, the election authority shall give the voter
231 written information that states that any individual who casts a provisional ballot
232 will be able to ascertain under such free access system whether the vote was
233 counted, and if the vote was not counted, the reason that the vote was not
234 counted.

235 [14.] 13. In accordance with the Help America Vote Act of 2002, any
236 individual who votes in an election as a result of a court order or any other order
237 extending the time established for closing the polls in section 115.407 may vote
238 only by using a provisional ballot, and such provisional ballot shall be separated
239 and held apart from other provisional ballots cast by those not affected by the
240 order. Such ballots shall not be counted until such time as the ballots are
241 determined to be valid. No state court shall have jurisdiction to extend the
242 polling hours established by law, including section 115.407.

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

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, including but not limited to statements specifically
10 required to be made "under penalty of perjury"; or in any other manner knowingly
11 furnishing false information to an election authority or election official engaged
12 in any lawful duty or action in such a way as to hinder or mislead the authority
13 or official in the performance of official duties. **Any other provision in this**
14 **section notwithstanding**, if an individual willfully and falsely makes any
15 certificate, affidavit, or statement required to be made under section 115.155,
16 including but not limited to statements specifically required to be made "under
17 penalty of perjury", such individual shall be guilty of a class C felony, **except**
18 **that an individual who knowingly signs any name other than his or her**
19 **own to any voter registration application shall be guilty of a class B**
20 **felony. Any other provision in this section notwithstanding, if an**
21 **individual furnishes identification to an election official in order to**
22 **cast a ballot as required under section 115.427 with the knowledge that**

23 **such identification is false, such individual shall be guilty of a class B**
24 **felony;**

25 (2) Voting more than once or voting at any election knowing that the
26 person is not entitled to vote or that the person has already voted on the same
27 day at another location inside or outside the state of Missouri;

28 (3) Procuring any person to vote knowing the person is not lawfully
29 entitled to vote or knowingly procuring an illegal vote to be cast at any election;

30 (4) Applying for a ballot in the name of any other person, whether the
31 name be that of a person living or dead or of a fictitious person, or applying for
32 a ballot in his own or any other name after having once voted at the election
33 inside or outside the state of Missouri;

34 (5) Aiding, abetting or advising another person to vote knowing the person
35 is not legally entitled to vote or knowingly aiding, abetting or advising another
36 person to cast an illegal vote;

37 (6) An election judge knowingly causing or permitting any ballot to be in
38 the ballot box at the opening of the polls and before the voting commences;

39 (7) Knowingly furnishing any voter with a false or fraudulent or bogus
40 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a
41 vote which will be rejected, or otherwise defrauding him of his vote;

42 (8) An election judge knowingly placing or attempting to place or
43 permitting any ballot, or paper having the semblance of a ballot, to be placed in
44 a ballot box at any election unless the ballot is offered by a qualified voter as
45 provided by law;

46 (9) Knowingly placing or attempting to place or causing to be placed any
47 false or fraudulent or bogus ballot in a ballot box at any election;

48 (10) Knowingly removing any legal ballot from a ballot box for the purpose
49 of changing the true and lawful count of any election or in any other manner
50 knowingly changing the true and lawful count of any election;

51 (11) Knowingly altering, defacing, damaging, destroying or concealing any
52 ballot after it has been voted for the purpose of changing the lawful count of any
53 election;

54 (12) Knowingly altering, defacing, damaging, destroying or concealing any
55 poll list, report, affidavit, return or certificate for the purpose of changing the
56 lawful count of any election;

57 (13) On the part of any person authorized to receive, tally or count a poll
58 list, tally sheet or election return, receiving, tallying or counting a poll list, tally

59 sheet or election return the person knows is fraudulent, forged or counterfeit, or
60 knowingly making an incorrect account of any election;

61 (14) On the part of any person whose duty it is to grant certificates of
62 election, or in any manner declare the result of an election, granting a certificate
63 to a person the person knows is not entitled to receive the certificate, or declaring
64 any election result the person knows is based upon fraudulent, fictitious or illegal
65 votes or returns;

66 (15) Willfully destroying or damaging any official ballots, whether marked
67 or unmarked, after the ballots have been prepared for use at an election and
68 during the time they are required by law to be preserved in the custody of the
69 election judges or the election authority;

70 (16) Willfully tampering with, disarranging, altering the information on,
71 defacing, impairing or destroying any voting machine or marking device after the
72 machine or marking device has been prepared for use at an election and during
73 the time it is required by law to remain locked and sealed with intent to impair
74 the functioning of the machine or marking device at an election, mislead any
75 voter at the election, or to destroy or change the count or record of votes on such
76 machine;

77 (17) Registering to vote knowing the person is not legally entitled to
78 register or registering in the name of another person, whether the name be that
79 of a person living or dead or of a fictitious person;

80 (18) Procuring any other person to register knowing the person is not
81 legally entitled to register, or aiding, abetting or advising another person to
82 register knowing the person is not legally entitled to register;

83 (19) Knowingly preparing, altering or substituting any computer program
84 or other counting equipment to give an untrue or unlawful result of an election;

85 (20) On the part of any person assisting a blind or disabled person to vote,
86 knowingly failing to cast such person's vote as such person directs;

87 (21) On the part of any registration or election official, permitting any
88 person to register to vote or to vote when such official knows the person is not
89 legally entitled to register or not legally entitled to vote;

90 (22) On the part of a notary public acting in his official capacity,
91 knowingly violating any of the provisions of sections 115.001 to 115.627 or any
92 provision of law pertaining to elections;

93 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
94 of any provision of law pertaining to absentee voting. **Any other provision in**

95 **this section notwithstanding, if an individual willfully and falsely**
96 **completes the certificate, affidavit, statement, or ballot of another**
97 **individual under the provisions of sections 115.283 or 115.284, including**
98 **but not limited to statements specifically required to be made under**
99 **penalty of perjury, such individual shall be guilty of a class B felony;**

100 (24) Assisting a person to vote knowing such person is not legally entitled
101 to such assistance, or while assisting a person to vote who is legally entitled to
102 such assistance, in any manner coercing, requesting or suggesting that the voter
103 vote for or against, or refrain from voting on any question, ticket or candidate;

104 (25) Engaging in any act of violence, destruction of property having a
105 value of five hundred dollars or more, or threatening an act of violence with the
106 intent of denying a person's lawful right to vote or to participate in the election
107 process; and

108 (26) Knowingly providing false information about election procedures for
109 the purpose of preventing any person from going to the polls.

Section B. Section A of this act shall become effective only upon the
2 passage and approval by the voters of a constitutional amendment submitted to
3 them by the general assembly regarding the authorization of photo identification
4 for elections.

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