

SECOND REGULAR SESSION

SENATE BILL NO. 728

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Read 1st time January 15, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5428S.011

AN ACT

To repeal sections 115.155 and 115.631, RSMo, and to enact in lieu thereof two new sections relating to election offenses, with penalty provisions.

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

Section A. Sections 115.155 and 115.631, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 115.155 and 115.631, to
3 read as follows:

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

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 OF A
12 CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT
13 SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL
14 IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH
15 CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF
16 OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE
17 OR OTHER FORM OF PERSONAL IDENTIFICATION.

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

18
19 Township (or Ward)
20
21 Name Precinct
22
23 Home Address Required Personal
24 Identification Information
25
26 City ZIP
27
28 Date of Birth Place of Birth (Optional)
29
30 Telephone Number Mother's Maiden Name
31 (Optional) (Optional)
32
33 Occupation (Optional) Last Place Previously
34 Registered
35
36 Last four digits of Under What Name
37 Social Security Number
38 (Required for registration
39 unless no Social Security
40 number exists for Applicant)
41 Remarks:
42 When

43 I am a citizen of the United States and a resident of the state of Missouri. I have
44 not been adjudged incapacitated by any court of law. If I have been convicted of
45 a felony or of a misdemeanor connected with the right of suffrage, I have had the
46 voting disabilities resulting from such conviction removed pursuant to law. I do
47 solemnly swear that all statements made on this card are true to the best of my
48 knowledge and belief. I UNDERSTAND THAT IF I REGISTER TO VOTE
49 KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM
50 COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED
51 BY IMPRISONMENT OF NOT MORE THAN [FIVE] FIFTEEN YEARS [OR BY
52 A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND
53 TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND

54 FINE].

55

56 Signature of Voter Date

57

58 Signature of Election Official

59 2. After supplying all information necessary for the registration records,
60 each applicant who appears in person before the election authority shall swear
61 or affirm the statements on the registration application by signing his or her full
62 name, witnessed by the signature of the election authority or such authority's
63 deputy registration official. Each applicant who applies to register by mail
64 pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall
65 attest to the statements on the application by his or her signature.

66 3. Upon receipt by mail of a completed and signed voter registration
67 application, a voter registration application forwarded by the division of motor
68 vehicle and drivers licensing of the department of revenue pursuant to section
69 115.160, or a voter registration agency pursuant to section 115.162, the election
70 authority shall, if satisfied that the applicant is entitled to register, transfer all
71 data necessary for the registration records from the application to its registration
72 system. Within seven business days after receiving the application, the election
73 authority shall send the applicant a verification notice. If such notice is returned
74 as undeliverable by the postal service within the time established by the election
75 authority, the election authority shall not place the applicant's name on the voter
76 registration file.

77 4. If, upon receipt by mail of a voter registration application or a voter
78 registration application forwarded pursuant to section 115.160 or 115.162, the
79 election authority determines that the applicant is not entitled to register, such
80 authority shall, within seven business days after receiving the application, so
81 notify the applicant by mail and state the reason such authority has determined
82 the applicant is not qualified. The applicant may have such determination
83 reviewed pursuant to the provisions of section 115.223. If an applicant for voter
84 registration fails to answer the question on the application concerning United
85 States citizenship, the election authority shall notify the applicant of the failure
86 and provide the applicant with an opportunity to complete the form in a timely
87 manner to allow for the completion of the registration form before the next
88 election.

89 5. It shall be the responsibility of the secretary of state to prescribe

90 specifications for voter registration documents so that they are uniform
91 throughout the state of Missouri and comply with the National Voter Registration
92 Act of 1993, including the reporting requirements, and so that registrations, name
93 changes and transfers of registrations within the state may take place as allowed
94 by law.

95 6. All voter registration applications shall be preserved in the office of the
96 election authority.

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. **Except as provided for in**
4 **subdivision (1) and subdivision (17) of this section**, conviction for any of
5 these offenses shall be punished by imprisonment of not more than [five] **seven**
6 years or by fine of not less than two thousand five hundred dollars but not more
7 than ten thousand dollars or by both such imprisonment and fine. **No person**
8 **convicted of, found guilty of, pleading guilty to, or pleading nolo**
9 **contendre to these offenses shall be granted a suspended imposition of**
10 **sentence. No person convicted of, pleading guilty to, or pleading nolo**
11 **contendre to these offenses shall be eligible for probation or parole**
12 **until he or she has served a minimum of thirty days**
13 **imprisonment. Such person shall not be eligible to be an election judge**
14 **as described in sections 115.079 to 115.103, a challenger as described in**
15 **sections 115.105 to 115.111, or a watcher as described in sections**
16 **115.107 to 115.111:**

17 (1) Willfully and falsely making any certificate, affidavit, or statement
18 required to be made pursuant to any provision of sections 115.001 to 115.641 [and
19 sections 51.450 and 51.460], including but not limited to statements specifically
20 required to be made "under penalty of perjury"; or in any other manner knowingly
21 furnishing false information to an election authority or election official engaged
22 in any lawful duty or action in such a way as to hinder or mislead the authority
23 or official in the performance of official duties. If an individual willfully and
24 falsely makes any certificate, affidavit, or statement required to be made under
25 section 115.155, including but not limited to statements specifically required to
26 be made "under penalty of perjury", such individual shall be guilty of a class [C]
27 **B** felony;

28 (2) Voting more than once or voting at any election knowing that the
29 person is not entitled to vote or that the person has already voted on the same

30 day at another location inside or outside the state of Missouri;

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

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

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

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

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

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

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

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

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

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

60 (13) On the part of any person authorized to receive, tally or count a poll
61 list, tally sheet or election return, receiving, tallying or counting a poll list, tally
62 sheet or election return the person knows is fraudulent, forged or counterfeit, or
63 knowingly making an incorrect account of any election;

64 (14) On the part of any person whose duty it is to grant certificates of
65 election, or in any manner declare the result of an election, granting a certificate

66 to a person the person knows is not entitled to receive the certificate, or declaring
67 any election result the person knows is based upon fraudulent, fictitious or illegal
68 votes or returns;

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

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

80 (17) Registering to vote knowing the person is not legally entitled to
81 register or registering in the name of another person, whether the name be that
82 of a person living or dead or of a fictitious person **shall constitute a class B**
83 **felony**;

84 (18) Procuring any other person to register knowing the person is not
85 legally entitled to register, or aiding, abetting or advising another person to
86 register knowing the person is not legally entitled to register;

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

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

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

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

97 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
98 of any provision of law pertaining to absentee voting;

99 (24) Assisting a person to vote knowing such person is not legally entitled
100 to such assistance, or while assisting a person to vote who is legally entitled to
101 such assistance, in any manner coercing, requesting or suggesting that the voter

102 vote for or against, or refrain from voting on any question, ticket or candidate;
103 (25) Engaging in any act of violence, destruction of property having a
104 value of five hundred dollars or more, or threatening an act of violence with the
105 intent of denying a person's lawful right to vote or to participate in the election
106 process; and
107 (26) Knowingly providing false information about election procedures for
108 the purpose of preventing any person from going to the polls.

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Unofficial

Bill

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