

FIRST REGULAR SESSION

SENATE BILL NO. 486

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Read 1st time February 23, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2176S.011

AN ACT

To repeal section 115.155, RSMo, section 115.631 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 115.631 as enacted by senate bills no. 1014 & 730, ninety-third general assembly, second regular session, 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. Section 115.155, RSMo, section 115.631 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 115.631 as enacted by senate bills no. 1014 & 730, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.155 and 115.631, to read as follows:

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

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES NO

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

YES NO

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

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT

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

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.

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 **found guilty of these offenses shall be granted a suspended imposition**
9 **of sentence. No person convicted of, pleading guilty to, or pleading**
10 **nolo contendere to these offenses shall be eligible for probation or**
11 **parole until he or she has served a minimum of thirty days**
12 **imprisonment. Such person shall not be eligible to be an election judge**
13 **as described in sections 115.079 to 115.103, a challenger as described in**
14 **sections 115.105 to 115.111, or a watcher as described in sections**
15 **115.107 to 115.111:**

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

25 penalty of perjury", such individual shall be guilty of a class [D] C felony;

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

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

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

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

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

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

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

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

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

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

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

58 (13) On the part of any person authorized to receive, tally or count a poll
59 list, tally sheet or election return, receiving, tallying or counting a poll list, tally
60 sheet or election return the person knows is fraudulent, forged or counterfeit, or

61 knowingly making an incorrect account of any election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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37 is not legally entitled to vote or knowingly aiding, abetting or advising another
38 person to cast an illegal vote;

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40 the ballot box at the opening of the polls and before the voting commences;

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42 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a
43 vote which will be rejected, or otherwise defrauding him of his vote;

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46 a ballot box at any election unless the ballot is offered by a qualified voter as
47 provided by law;

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

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

68 (15) Willfully destroying or damaging any official ballots, whether marked
69 or unmarked, after the ballots have been prepared for use at an election and
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71 election judges or the election authority;

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

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80 register or registering in the name of another person, whether the name be that
81 of a person living or dead or of a fictitious person **shall constitute a class B**
82 **felony**;

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85 register knowing the person is not legally entitled to register;

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87 or other counting equipment to give an untrue or unlawful result of an election;

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

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

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

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97 of any provision of law pertaining to absentee voting;

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99 to such assistance, or while assisting a person to vote who is legally entitled to
100 such assistance, in any manner coercing, requesting or suggesting that the voter
101 vote for or against, or refrain from voting on any question, ticket or candidate;

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

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107 the purpose of preventing any person from going to the polls.

Unofficial ✓

Bill

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