

FIRST REGULAR SESSION

HOUSE BILL NO. 192

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUGHES.

0507L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to voter caging.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be
2 known as section 115.192, to read as follows:

**115.192. 1. This section shall be known and may be cited as the "Voter Caging
2 Prohibition Act of 2009".**

3 **2. As used in this section, the following terms mean:**

4 **(1) "Unverified match list", a list produced by matching the information of**
5 **registered voters or applicants for voter registration to a list of individuals who are**
6 **ineligible to vote in the election authority's jurisdiction, by virtue of death, conviction,**
7 **change of address, or otherwise, unless one of the pieces of information matched includes**
8 **a signature, photograph, or unique identifying number ensuring that the information from**
9 **each source refers to the same individual;**

10 **(2) "Voter caging document", any:**

11 **(a) Nonforwardable document that is returned to the sender or a third party as**
12 **undelivered or undeliverable despite an attempt to deliver such document to the address**
13 **of a registered voter or applicant; or**

14 **(b) Any document with instructions to an addressee that the document be returned**
15 **to the sender or a third party but is not so returned, despite an attempt to deliver such**
16 **document to the address of a registered voter or applicant, unless at least two election**
17 **cycles have passed since the date of the attempted delivery;**

18 **(3) "Voter caging list", a list of individuals compiled from voter caging documents.**

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.

19 **3. No election authority shall prevent any individual from registering or voting in**
20 **any election, nor shall permit in connection with any election a formal challenge under**
21 **state law to an individual's registration status or eligibility to vote, if the basis for such**
22 **decision is evidence consisting of:**

23 **(1) A voter caging document or voter caging list;**

24 **(2) An unverified match list;**

25 **(3) An error or omission on any record or paper relating to any application,**
26 **registration, or other act requisite to voting, if such error or omission is not material to an**
27 **individual's eligibility to vote under this chapter.**

28 **4. No person other than an election authority shall submit a formal challenge under**
29 **state law to an individual's eligibility to register to vote in an election or to vote in an**
30 **election if the basis for such challenge is evidence consisting of:**

31 **(1) A voter caging document or voter caging list;**

32 **(2) An unverified match list;**

33 **(3) An error or omission on any record or paper relating to any application,**
34 **registration, or other act requisite to voting, if such error or omission is not material to an**
35 **individual's eligibility to vote under this chapter.**

36 **5. No person other than the election authority shall submit a formal challenge to**
37 **an individual's eligibility to register to vote in an election or to vote in an election unless:**

38 **(1) The challenger is a registered voter in the precinct in which the challenge is**
39 **being made;**

40 **(2) The challenge is supported by personal, first-hand knowledge regarding the**
41 **grounds for ineligibility;**

42 **(3) The challenge is documented in writing; and**

43 **(4) The challenger makes an oath or attestation under penalty of perjury that the**
44 **individual who is the subject of the challenge is ineligible to register to vote or vote in that**
45 **election because the individual does not meet the eligibility requirements to register to vote**
46 **or to vote under this chapter.**

47 **6. Any person other than an election authority who submits a formal challenge**
48 **under this section shall file the challenge with the secretary of state at least thirty days**
49 **before the election. The secretary of state shall serve the voter whose eligibility to register**
50 **to vote or to vote with notice by mail at the voter's last known address. Notice shall also**
51 **be published in a periodical of general circulation at least twenty-one days before the**
52 **election. At least fourteen days before the election, the secretary of state shall hold a public**
53 **hearing, at which the person submitting the formal challenge shall appear and present**

54 **clear and convincing evidence that the voter is ineligible to register to vote or to vote.**
55 **Failure of the challenger to appear shall result in dismissal of the challenge.**

56 **7. If any challenge by an election authority is resolved against the voter whose**
57 **eligibility to register to vote or to vote on the day of the election, the challenged voter shall**
58 **be entitled to vote a provisional ballot.**

59 **8. Any person who knowingly challenges the eligibility of one or more individuals**
60 **to register or vote or knowingly causes the eligibility of such individuals to be challenged**
61 **in violation of this section with the intent that one or more eligible voters be disqualified**
62 **shall be guilty of a class one election offense for each such violation. Each violation shall**
63 **be a separate offense.**

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