

FIRST REGULAR SESSION

HOUSE BILL NO. 501

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0816H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.275, 115.277, 115.282, and 115.637, RSMo, and to enact in lieu thereof seven new sections relating to elections, with a delayed effective date for a certain section and penalty provisions.

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

Section A. Sections 115.275, 115.277, 115.282, and 115.637, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.275, 115.276, 115.277, 115.289, 115.637, 115.950, and 115.952 to read as follows:

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) "**Advance ballot**", any of the ballots a person is authorized to cast under section **115.276**;

(3) "Covered voter":

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;

(c) An overseas voter;

(d) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(e) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents; or

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.

16 (f) Persons who have been honorably discharged from the Armed Forces or who have
17 terminated their service or employment in any group mentioned in this section within sixty days
18 of an election, and their spouses and dependents;

19 ~~[(3)]~~ (4) "Interstate former resident", a former resident and registered voter in this state
20 who moves from Missouri to another state after the deadline to register to vote in any presidential
21 election in the new state and who otherwise possesses the qualifications to register and vote in
22 such state;

23 ~~[(4)]~~ (5) "Intrastate new resident", a registered voter of this state who moves from one
24 election authority's jurisdiction in the state to another election authority's jurisdiction in the state
25 after the last day authorized in this chapter to register to vote in an election and otherwise
26 possesses the qualifications to vote;

27 ~~[(5)]~~ (6) "New resident", a person who moves to this state after the last date authorized
28 in this chapter to register to vote in any presidential election;

29 ~~[(6)]~~ (7) "Overseas voter":

30 (a) A person who resides outside the United States and is qualified to vote in the last
31 place in which the person was domiciled before leaving the United States; or

32 (b) A person who resides outside the United States and, but for such residence, would
33 be qualified to vote in the last place in which the person was domiciled before leaving the United
34 States;

35 ~~[(7)]~~ (8) "Uniformed services":

36 (a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, or
37 Coast Guard of the United States;

38 (b) The Merchant Marine, the commissioned corps of the Public Health Service, or the
39 commissioned corps of the National Oceanic and Atmospheric Administration of the United
40 States; or

41 (c) The Missouri National Guard;

42 ~~[(8)]~~ (9) "Uniformed services voter", an individual who is qualified to vote and is:

43 (a) A member of the active or reserve components of the Army, Navy, Air Force, Marine
44 Corps, or Coast Guard of the United States who is on active duty;

45 (b) A member of the Merchant Marine, the commissioned corps of the Public Health
46 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
47 of the United States;

48 (c) A member on activated status of the National Guard; or

49 (d) A spouse or dependent of a member referred to in this subdivision;

50 ~~[(9)] (10)~~ "United States", used in the territorial sense, the several states, the District of
51 Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession
52 subject to the jurisdiction of the United States.

**115.276. 1. Any registered voter of this state may vote by advance ballot in person
2 at a central voting location in the jurisdiction in which the voter is registered or at other
3 sites authorized by this section. The advance voting period shall begin the third
4 Wednesday before an election.**

**5 2. All election authorities shall conduct advance voting at a central voting location
6 designated by the election authority until close of regular business hours on the Wednesday
7 immediately before the election.**

**8 3. For all federal elections and for all such other elections as the election authority
9 shall designate, the election authorities shall establish sites other than the central voting
10 location as additional sites in which to vote by advance ballot in person beginning the third
11 Wednesday before the election and ending at the close of regular business hours on the
12 Wednesday before the election as follows:**

**13 (1) In addition to conducting advance voting at the central voting location, each
14 jurisdiction shall provide a satellite site for every fifty thousand registered voters in that
15 jurisdiction; except that, no election authority shall provide more than six such satellites
16 to conduct advance voting;**

**17 (2) In addition to conducting advance voting at the central voting location, any
18 jurisdiction with fewer than fifty thousand registered voters may provide satellite sites;
19 except that, no election authority shall provide more than six such satellites to conduct
20 advance voting;**

**21 (3) For purposes of this section, the number of registered voters shall be determined
22 by the number of registered voters in each jurisdiction in the previous general election;**

**23 (4) In determining the location of the satellite sites, the election authority shall
24 consider factors including, but not limited to, the geographic location and demographics
25 of registered voters in the previous general election and current United States census data
26 to ensure nondiscrimination in the representation of the community served to the greatest
27 extent possible;**

**28 (5) The election authority shall provide adequate public notice of the designated
29 central voting location and the satellite sites including, but not limited to, posting this
30 information at the election authority's office, on the website of the election authority, and
31 by such other methods as the election authority may select. The location of a satellite site
32 may be changed to a different location during the advance voting period. The election
33 authority shall provide adequate public notice of any change including, but not limited to,**

34 **posting this information at the election authority's office, at the original location of the**
35 **satellite site, on the website of the election authority, and by such other methods as the**
36 **election authority may select;**

37 **(6) The election authority shall appoint at least one judge from each major political**
38 **party to serve at each satellite site. No major political party shall have a majority of the**
39 **judges at any satellite site. No established party shall have a greater number of judges at**
40 **any satellite than any major political party.**

41 **4. The hours for advance voting shall be regular business hours as required by**
42 **section 115.057 and shall include Saturday until 12:00 p.m. For purposes of this section,**
43 **regular business hours shall not begin earlier than 7:00 a.m., nor shall they extend beyond**
44 **7:00 p.m.**

45 **5. Except as otherwise required by this chapter, procedures for casting an advance**
46 **ballot in person shall be the same as the procedures contained under sections 115.407 to**
47 **115.445.**

48 **6. Procedures for counting advance ballots shall be the same as the procedures**
49 **contained under sections 115.447 to 115.525.**

50 **7. This section shall not affect the election authority's ability to appoint bipartisan**
51 **teams to deliver absentee ballots under section 115.287.**

52 **8. The election judge shall not allow any person who has voted an advance ballot**
53 **in the election to vote at the polls on election day. If it is determined that any voter**
54 **submitted an advance ballot and voted at the polls on election day, such person, having**
55 **voted more than once, is guilty of a class one election offense under section 115.631, and**
56 **the election authority shall certify that fact and the name of the voter to the verification**
57 **board. Such certificate shall be included with the abstracts drawn by the verification**
58 **board.**

59 **9. All costs associated with the implementation of advance voting as authorized by**
60 **this section shall be reimbursed from the general revenue of this state.**

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any
2 registered voter of this state may vote by absentee ballot for all candidates and issues for which
3 such voter ~~[would be]~~ is eligible to vote at the polling place ~~[if such voter expects to be~~
4 ~~prevented from going to the polls to vote on election day due to:~~

5 ~~———(1) Absence on election day from the jurisdiction of the election authority in which such~~
6 ~~voter is registered to vote;~~

7 ~~———(2) Incapacity or confinement due to illness or physical disability, including a person~~
8 ~~who is primarily responsible for the physical care of a person who is incapacitated or confined~~
9 ~~due to illness or disability;~~

10 ~~—— (3) Religious belief or practice;~~

11 ~~—— (4) Employment as an election authority, as a member of an election authority, or by an~~
12 ~~election authority at a location other than such voter's polling place;~~

13 ~~—— (5) Incarceration, provided all qualifications for voting are retained;~~

14 ~~—— (6) Certified participation in the address confidentiality program established under~~
15 ~~sections 589.660 to 589.681 because of safety concerns].~~

16 2. Any covered voter~~[, as defined in section 115.275,]~~ who is eligible to register and vote
17 in this state may vote in any election for federal office, statewide office, state legislative office,
18 or statewide ballot initiatives by submitting a federal postcard application to apply to vote by
19 absentee ballot or by submitting a federal postcard application at the polling place even though
20 the person is not registered. A federal postcard application submitted by a covered voter
21 pursuant to this subsection shall also serve as a voter registration application under section
22 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place
23 the voter's name on the voter registration file. Each covered voter may vote by absentee ballot
24 or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at
25 the person's polling place.

26 3. Any interstate former resident~~[, as defined in section 115.275,]~~ may vote by absentee
27 ballot for presidential and vice presidential electors.

28 4. Any intrastate new resident~~[, as defined in section 115.275,]~~ may vote by absentee
29 ballot at the election for presidential and vice presidential electors, United States senator,
30 representative in Congress, statewide elected officials and statewide questions, propositions and
31 amendments from such resident's new jurisdiction of residence after registering to vote in such
32 resident's new jurisdiction of residence.

33 5. Any new resident~~[, as defined in section 115.275,]~~ may vote by absentee ballot for
34 presidential and vice presidential electors after registering to vote in such resident's new
35 jurisdiction of residence.

115.289. 1. ~~[Except as provided in subsection 3 of this section, as applications for~~
2 ~~absentee ballots are received, the election authority shall list the name, voting address and~~
3 ~~mailing address, if different, of each applicant.] Any person [authorized under subsection 2 of~~
4 ~~this section may copy the list, and the election authority may make copies of the list available~~
5 ~~to such persons for a reasonable fee determined by the election authority] **who knowingly**~~
6 ~~**discloses confidential information in violation of this section shall be guilty of a class four**~~
7 ~~**election offense.**~~

8 2. Except as provided in subsection 4 of this section, all lists of applications for absentee
9 ballots **or information listed under this section relating to voters who cast an advance ballot**
10 shall be kept confidential to the extent that such lists ~~[of applications]~~ shall not be posted or

11 displayed in any area open to the general public, nor shall such lists ~~[of applications]~~ be shown
12 to any person who is not entitled to see such lists ~~[of applications]~~, either pursuant to the
13 provisions of this chapter or any other provisions of law. ~~[Persons entitled to see such lists shall~~
14 ~~include a candidate or a duly authorized representative of a campaign committee as defined in~~
15 ~~section 130.011, or any person with written authorization from a candidate, or any person that~~
16 ~~has applied for an absentee ballot.]~~

17 3. ~~[In each city not within a county, in each county of the first classification having a~~
18 ~~population of more than nine hundred thousand inhabitants, in each county of the first~~
19 ~~classification containing the major portion of a city which has over three hundred thousand~~
20 ~~inhabitants, and in that portion of each city which has over three hundred thousand inhabitants~~
21 ~~and located in more than one county, situated in the county containing the major portion of the~~
22 ~~city;]~~ As applications for absentee ballots are received **or advance ballots are cast**, the election
23 authority shall list the name, voting address and mailing address, if different, of each applicant
24 **and of each voter who casts an advance ballot**. Prior to 8:00 a.m. on the Friday before an
25 election all absentee ballot applications, lists of absentee ballot applications, ~~or~~ any information
26 contained on the absentee ballot applications, **or any information listed under this section**
27 **relating to voters who cast an advance ballot** shall be kept confidential. Use of the
28 applications, lists or information contained thereon by the election authority prior to 8:00 a.m.
29 on the Friday before an election for purposes other than processing absentee ballots shall be
30 deemed a class one election offense. After 8:00 a.m. on the Friday before an election any person
31 authorized under subsection 4 of this section may copy the list, and the election authority may
32 make copies of the list available to such persons for a reasonable fee determined by the election
33 authority.

34 4. ~~[In each city not within a county, in each county of the first classification having a~~
35 ~~population of more than nine hundred thousand inhabitants, in each county of the first~~
36 ~~classification containing the major portion of a city which has over three hundred thousand~~
37 ~~inhabitants, and in that portion of each city which has over three hundred thousand inhabitants~~
38 ~~and located in more than one county, situated in the county containing the major portion of the~~
39 ~~city;]~~ After 8:00 a.m. on the Friday before an election, all lists of applications for absentee ballots
40 **or information listed under this section relating to voters who cast an advance ballot** shall
41 be kept confidential to the extent that such lists ~~[of applications]~~ shall not be posted or displayed
42 in any area open to the general public, nor shall such lists ~~[of applications]~~ be shown to any
43 person who is not entitled to see such lists ~~[of applications]~~, either pursuant to the provisions of
44 this chapter or any other provisions of law. Persons entitled to see such lists shall include a
45 candidate or a duly authorized representative of a campaign committee as defined in section
46 130.011, or any person with written authorization from a candidate, or any person that has

47 applied for an absentee ballot **or who has cast an advance ballot. Any person authorized**
48 **under this subsection may copy the list, and the election authority may make copies of the**
49 **list available to such persons for a reasonable fee determined by the election authority.**

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

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate
10 and substituting the name of the person for whom he intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned
23 to him;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being

34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance
41 of his duty as an election authority or official, or in the act of exercising his individual voting
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on
45 election day without good cause or willfully detaining any election material or equipment and
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot
55 to be seen by any person with the intent of letting it be known how he is about to vote or has
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,
62 violence, or threats of violence whereby such registration, election, count or verification is
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or
67 within ~~twenty-five~~ **one hundred** feet of the building's outer door closest to the polling place,
68 or, on the part of any person, refusing to remove or permit removal from property owned or

69 controlled by him, any such election sign or literature located within such distance on such day
70 after request for removal by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day.

**115.950. 1. Notwithstanding any other provision of law, the office of the secretary
2 of state shall establish a process to conduct automatic voter registration based on driver's
3 license information which shall provide recommendations to local election authorities for
4 the automatic registration of eligible voters.**

5 **2. The department of revenue and the motor vehicle and driver licensing division
6 shall, periodically as required by rule or policy, provide the secretary of state's office the
7 records of any person eighteen years of age or older who is issued an original or renewal
8 driver's license or nondriver's identification card, including the person's name, residence
9 address, social security number, electronic signature, and any other information the office
10 of the secretary of state specifies is necessary to conduct recommendations for automatic
11 voter registration. Notwithstanding section 115.165 or any other provision of law to the
12 contrary, any time a person changes his or her address of record with the department of
13 revenue, the department of revenue shall send notice of such change to the secretary of
14 state's office to update the person's voter registration records. The secretary of state shall
15 update the voter's records upon receipt of such notice.**

16 **3. The office of the secretary of state shall provide lists of nonbinding
17 recommendations for inclusion on voter registration lists to local election authorities and
18 such authorities shall include such recommendations on voter registration lists subject to
19 existing verification procedures for determining whether an individual is eligible to register
20 to vote and eligible to vote. Local election authorities shall retain full jurisdiction and
21 power to decline to register individuals not verified to be eligible to vote and to remove the
22 names of individuals who are no longer eligible to vote from voter registration lists.**

23 **4. Within two months of receipt of a proposed voter registration list but prior to
24 including a recommended individual on a voter registration list, the local election authority
25 shall send notice of potential automatic registration which shall include a paid postcard for
26 purposes of declining registration. If, after a period of one month, the postcard is not
27 returned to the local election authority, the individual's name shall be added to the voter
28 registration list; except that, any time a postcard is received, the individual's name shall**

29 be removed from the voter registration list. This subsection shall not be construed to
30 prevent removal from voter registration lists by any other method allowed under this
31 chapter.

32 **5. The provisions of this section allow for automatic voter registration in addition**
33 **to any other method of registration allowed under this chapter and shall not be interpreted**
34 **to invalidate any other method for voter registration.**

35 **6. The provisions of this section regarding the office of the secretary of state, the**
36 **department of revenue, and local election authorities shall be subject to the appropriation**
37 **and payment of funds necessary to conduct automatic voter registration and verification**
38 **procedures.**

39 **7. The office of the secretary of state may promulgate all necessary rules for the**
40 **administration of this section. Any rule or portion of a rule, as that term is defined in**
41 **section 536.010, that is created under the authority delegated in this section shall become**
42 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
43 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
44 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
45 **the effective date, or to disapprove and annul a rule are subsequently held**
46 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
47 **after August 28, 2017, shall be invalid and void.**

115.952. 1. Notwithstanding any other provision of law, the office of the secretary
2 **of state shall establish a process to preregister persons ages fifteen to eighteen to vote. The**
3 **secretary of state shall develop a method for establishing a list of potential voters to**
4 **preregister through the department of revenue and social service office records.**

5 **2. Department of revenue license offices and social services offices shall,**
6 **periodically as required by rule or policy, provide the secretary of state's office the records**
7 **of any person ages fifteen to eighteen, including the person's name, residence address,**
8 **social security number, electronic signature, and any other information the office of the**
9 **secretary of state specifies is necessary to preregister a voter. A person on a voter**
10 **preregistration list may at any time remove his or her name from the list by contacting the**
11 **office of the secretary of state or any department of revenue license office or social services**
12 **office. Any time a person preregistered to vote under this section changes his or her name**
13 **or his or her address and notifies either a license office or a social services office, the office**
14 **shall send notice of such change to the secretary of state's office to update the person's**
15 **voter registration records.**

16 **3. The provisions of this section allowing for voter preregistration shall not be**
17 **interpreted to invalidate any other method for voter registration including, but not limited**
18 **to, voter registration under section 115.133.**

19 **4. The provisions of this section shall be subject to the appropriation and payment**
20 **of funds necessary to conduct voter preregistration.**

21 **5. The office of the secretary of state may promulgate all necessary rules for the**
22 **administration of this section. Any rule or portion of a rule, as that term is defined in**
23 **section 536.010, that is created under the authority delegated in this section shall become**
24 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
25 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
26 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
27 **the effective date, or to disapprove and annul a rule are subsequently held**
28 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
29 **after August 28, 2017, shall be invalid and void.**

 Section B. The enactment of section 115.276 of this act shall become effective January
2 1, 2018.

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