

FIRST REGULAR SESSION

HOUSE BILL NO. 865

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (50) (Sponsor), PACE, WALTON GRAY, CHAPPELLE-NADAL, FISCHER (107), HARRIS, NASHEED, WEBB, MORRIS, SCHIEFFER, HUMMEL, COLONA, OXFORD, SKAGGS, ENGLUND, CALLOWAY, SCHUPP, KOMO, KRATKY, HODGES, McDONALD, CASEY, SCHOEMEHL, RUCKER, EL-AMIN, JONES (63), BIERMANN, McCLANAHAN, STORCH, KIRKTON, MEINERS, WALSH, ZIMMERMAN, LAMPE, ROORDA, KUESSNER, NORR, LIESE, LeBLANC, KANDER AND CURLS (Co-sponsors).

1877L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.275, 115.289, and 115.637, RSMo, and to enact in lieu thereof four new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.275, 115.289, and 115.637, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.275, 115.276, 115.289, and 115.637, to read as follows: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, **except advance ballots;**

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

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

[(3)] (4) "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state

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.

13 after the last day authorized in this chapter to register to vote in an election and otherwise
14 possesses the qualifications to vote;

15 [(4)] (5) "New resident", a person who moves to this state after the last date authorized
16 in this chapter to register to vote in any presidential election;

17 [(5)] (6) "Overseas voter" includes:

18 (a) An absent uniformed services voter who, by reason of active duty or service is absent
19 from the United States on the date of the election involved;

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

22 (c) A person who resides outside the United States and (but for such residence) would
23 be qualified to vote in the last place in which the person was domiciled before leaving the United
24 States;

25 [(6)] (7) "Persons in federal service" includes:

26 (a) Members of the armed forces of the United States, while in active service, and their
27 spouses and dependents;

28 (b) Active members of the merchant marine of the United States and their spouses and
29 dependents;

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

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

34 (e) Persons who have been honorably discharged from the armed forces or who have
35 terminated their service or employment in any group mentioned in this section within sixty days
36 of an election, and their spouses and dependents.

**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 to
16 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 web site 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 web site 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 in sections 115.407 to
47 115.445.

48 **6. Procedures for counting advance ballots shall be the same as the procedures**
49 **contained in 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.**

61 **10. This section shall become effective January 1, 2010.**

 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 this
4 section may copy the list, and the election authority may make copies of the list available to such
5 persons for a reasonable fee determined by the election authority] **Any person 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, RSMo, or any person with written authorization from a candidate, or any person**
16 **that 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, RSMo, or any person with written authorization from a candidate, or any person that
47 has 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.

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