

SECOND REGULAR SESSION

SENATE BILL NO. 1125

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 27, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5344S.011

AN ACT

To repeal section 115.631, RSMo, and to enact in lieu thereof two new sections relating to elections, with penalty provisions.

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

Section A. Section 115.631, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.148 and 115.631, to read as
3 follows:

115.148. 1. Each individual who requests fifty or more voter
2 registration applications from the secretary of state and who is not a
3 deputy registration official, whether such person is making the request
4 on his or her own behalf or on behalf of a group organization or some
5 other entity, shall be at least eighteen years of age and shall submit the
6 information required by subsection 2 of this section to the secretary of
7 state before receiving the applications. The secretary of state shall
8 keep this information on file with the number of the voter registration
9 applications supplied to that individual.

10 2. Persons described in subsection 1 of this section shall supply
11 the following information to the secretary of state:

12 (1) Name;

13 (2) Residential address, including street number, city, state, and
14 zip code;

15 (3) Mailing address, if different;

16 (4) Telephone number;

17 (5) Whether the person is making the request on behalf of a
18 group or organization; and

19 (6) The identity of the group or organization if the request is
20 being made on behalf of a group or organization.

21 **3. The secretary of state shall prescribe a form designed to**
22 **provide the information required by subsection 2 of this section. The**
23 **person described in subsection 1 of this section shall sign the form with**
24 **the following oath or affirmation:**

25 **I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT**
26 **ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.**

27 **4. Notwithstanding the provisions of section 560.021, RSMo, to**
28 **the contrary, any person who falsely swears to the above oath or**
29 **affirmation knowing it to be false is guilty of a class A misdemeanor,**
30 **punishable by a term of imprisonment not to exceed one year in the**
31 **county jail or a fine not to exceed ten thousand dollars or by both such**
32 **imprisonment and fine.**

33 **5. Any person who knowingly signs any name other than his or**
34 **her own to any voter registration application shall be guilty of a class**
35 **one election offense.**

36 **6. The secretary of state shall make available to persons making**
37 **a request for voter registration applications a computer-based**
38 **registration training or other registration training in a manner**
39 **prescribed by the secretary of state. If a request is made on behalf of**
40 **a group or organization, the training shall be made available to each**
41 **person who will distribute the voter registration applications provided**
42 **to that group or organization.**

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. Conviction for any of these offenses
4 shall be punished by imprisonment of not more than five years or by fine of not
5 less than two thousand five hundred dollars but not more than ten thousand
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, RSMo, including but not limited to statements
10 specifically required to be made "under penalty of perjury"; or in any other
11 manner knowingly furnishing false information to an election authority or
12 election official engaged in any lawful duty or action in such a way as to hinder
13 or mislead the authority or official in the performance of official duties. **Any**
14 **other provision in this section notwithstanding**, if an individual willfully

15 and falsely makes any certificate, affidavit, or statement required to be made
16 under section 115.155, including but not limited to statements specifically
17 required to be made "under penalty of perjury", such individual shall be guilty of
18 a class C felony, **except that an individual who knowingly signs any name**
19 **other than his or her own to any voter registration application shall be**
20 **guilty of a class B felony. Any other provision in this section**
21 **notwithstanding, if an individual furnishes identification to an election**
22 **official in order to cast a ballot as required under section 115.427 with**
23 **the knowledge that such identification is false, such individual shall be**
24 **guilty of a class B felony;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 (17) Registering to vote knowing the person is not legally entitled to
78 register or registering in the name of another person, whether the name be that
79 of a person living or dead or of a fictitious person;

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

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

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

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

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

93 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
94 of any provision of law pertaining to absentee voting. **Any other provision in**
95 **this section notwithstanding, if an individual willfully and falsely**
96 **completes the certificate, affidavit, statement, or ballot of another**
97 **individual under the provisions of sections 115.283 and 115.284,**
98 **including but not limited to statements specifically required to be made**
99 **under penalty of perjury, such individual shall be guilty of a class B**
100 **felony;**

101 (24) Assisting a person to vote knowing such person is not legally entitled
102 to such assistance, or while assisting a person to vote who is legally entitled to
103 such assistance, in any manner coercing, requesting or suggesting that the voter
104 vote for or against, or refrain from voting on any question, ticket or candidate.

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