

FIRST REGULAR SESSION

# SENATE BILL NO. 37

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0099S.01I

## 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 and an effective date for a certain section.

*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Section A. Sections 115.275, 115.289, and 115.637, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 115.275,  
3 115.276, 115.289, and 115.637, to read as follows:

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

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast  
4 away from a polling place pursuant to the provisions of sections 115.275 to  
5 115.304, **except the advance ballots a person is authorized to cast in**  
6 **accordance with section 115.276;**

7 (2) "Advance ballot", **any of the ballots a person is authorized to**  
8 **cast in accordance with section 115.276;**

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

13 [(3)] (4) "Intrastate new resident", a registered voter of this state who  
14 moves from one election authority's jurisdiction in the state to another election  
15 authority's jurisdiction in the state after the last day authorized in this chapter  
16 to register to vote in an election and otherwise possesses the qualifications to  
17 vote;

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

18           [(4)] (5) "New resident", a person who moves to this state after the last  
19 date authorized in this chapter to register to vote in any presidential election;

20           [(5)] (6) "Overseas voter" includes:

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

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

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

29           [(6)] (7) "Persons in federal service" includes:

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

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

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

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

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

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

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

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

15 Wednesday prior to the election as follows:

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

21 (2) In addition to conducting advance voting at the central voting  
22 location, any jurisdiction with less than fifty thousand registered voters  
23 may provide satellite sites, except that no election authority shall  
24 provide more than six such satellites to conduct advance voting;

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

28 (4) In determining the location of the satellite sites, the election  
29 authority shall consider factors including but not limited to the  
30 geographic location and demographics of registered voters in the  
31 previous general election and current United States census data to  
32 ensure nondiscrimination in the representation of the community served  
33 to the greatest extent possible;

34 (5) The election authority shall provide adequate public notice of  
35 the designated central voting location and the satellite sites including  
36 but not limited to posting this information at the election authority's  
37 office, on the website of the election authority, and by such other  
38 methods as the election authority may select. The location of a satellite  
39 site may be changed to a different location during the advance voting  
40 period. The election authority shall provide adequate public notice of  
41 any change including but not limited to posting this information at the  
42 election authority's office, at the original location of the satellite site, on  
43 the website of the election authority, and by such other methods as the  
44 election authority may select;

45 (6) The election authority shall appoint at least one judge from  
46 each major political party to serve at each satellite site. No major  
47 political party shall have a majority of the judges at any satellite site. No  
48 established party shall have a greater number of judges at any satellite  
49 than any major political party.

50 4. The hours for advance voting shall be regular business hours  
51 as required by section 115.057, and shall include Saturday until 12:00

52 **p.m. Regular business hours shall not begin earlier than 7:00 a.m. nor**  
53 **shall they extend beyond 7:00 p.m.**

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

57 **6. Procedures for counting advance ballots shall be the same as**  
58 **the procedures contained in sections 115.447 to 115.525.**

59 **7. This section shall not affect the election authority's ability to**  
60 **appoint bipartisan teams to deliver absentee ballots under section**  
61 **115.287.**

62 **8. The election judge shall not allow any person who has voted an**  
63 **advance ballot in the election to vote at the polls on election day. If it**  
64 **is determined that any voter submitted an advance ballot and voted at**  
65 **the polls on election day:**

66 **(1) Such person, having voted more than once, is guilty of a class**  
67 **one election offense pursuant to subdivision (2) of section 115.631;**

68 **(2) The election authority shall certify that fact and the name of**  
69 **the voter to the verification board. Such certificate shall be included**  
70 **with the abstracts drawn by the verification board.**

71 **9. This section shall become effective January 1, 2008.**

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

9 2. Except as provided in subsection 4 of this section, all lists of  
10 applications for absentee ballots **or information listed pursuant to this**  
11 **section with regard to voters who cast an advance ballot** shall be kept  
12 confidential to the extent that such lists [of applications] shall not be posted or  
13 displayed in any area open to the general public, nor shall such lists [of  
14 applications] be shown to any person who is not entitled to see such lists [of  
15 applications], either pursuant to the provisions of this chapter or any other  
16 provisions of law. [Persons entitled to see such lists shall include a candidate or  
17 a duly authorized representative of a campaign committee as defined in section

18 130.011, RSMo, or any person with written authorization from a candidate, or any  
19 person that has applied for an absentee ballot.]

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

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

55 written authorization from a candidate, or any person that has applied for an  
56 absentee ballot **or who has cast an advance ballot. Any person authorized**  
57 **under this subsection may copy the list, and the election authority may**  
58 **make copies of the list available to such persons for a reasonable fee**  
59 **determined by the election authority.**

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

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

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

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

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

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

28 (6) On the part of any employer, making, enforcing, or attempting to  
29 enforce any order, rule, or regulation or adopting any other device or method to  
30 prevent an employee from engaging in political activities, accepting candidacy for  
31 nomination to, election to, or the holding of, political office, holding a position as  
32 a member of a political committee, soliciting or receiving funds for political

33 purpose, acting as chairman or participating in a political convention, assuming  
34 the conduct of any political campaign, signing, or subscribing his name to any  
35 initiative, referendum, or recall petition, or any other petition circulated pursuant  
36 to law;

37 (7) On the part of any person authorized or employed to print official  
38 ballots, or any person employed in printing ballots, giving, delivering, or  
39 knowingly permitting to be taken any ballot to or by any person other than the  
40 official under whose direction the ballots are being printed, any ballot in any form  
41 other than that prescribed by law, or with unauthorized names, with names  
42 misspelled, or with the names of candidates arranged in any way other than that  
43 authorized by law;

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

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

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

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

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

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

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

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

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

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

76           (18) Exit polling, surveying, sampling, electioneering, distributing election  
77 literature, posting signs or placing vehicles bearing signs with respect to any  
78 candidate or question to be voted on at an election on election day inside the  
79 building in which a polling place is located or within [twenty-five] **one hundred**  
80 feet of the building's outer door closest to the polling place, or, on the part of any  
81 person, refusing to remove or permit removal from property owned or controlled  
82 by him, any such election sign or literature located within such distance on such  
83 day after request for removal by any person;

84           (19) Stealing or willfully defacing, mutilating, or destroying any campaign  
85 yard sign on private property, except that this subdivision shall not be construed  
86 to interfere with the right of any private property owner to take any action with  
87 regard to campaign yard signs on the owner's property and this subdivision shall  
88 not be construed to interfere with the right of any candidate, or the candidate's  
89 designee, to remove the candidate's campaign yard sign from the owner's private  
90 property after the election day.

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