

SENATE BILL NO. 44

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0991S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.013, 115.163, 115.179, 115.181, 115.193, and 115.221, RSMo, and to enact in lieu thereof six new sections relating to the maintenance of voter registration records.

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

Section A. Sections 115.013, 115.163, 115.179, 115.181, 2 115.193, and 115.221, RSMo, are repealed and six new sections 3 enacted in lieu thereof, to be known as sections 115.013, 4 115.163, 115.179, 115.181, 115.193, and 115.221, to read as 5 follows:

115.013. As used in this chapter, unless the context 2 clearly implies otherwise, the following terms mean:

- 3 (1) "Air-gap" or "air-gapped", a security measure in 4 which equipment is physically and technically isolated from 5 any network and is not directly connected to the internet 6 nor is it connected to any other system that is connected to 7 the internet. Data can only be passed to an air-gapped 8 device physically via a USB or other removable media;
- 9 (2) "Automatic tabulating equipment", the apparatus 10 necessary to examine and automatically count votes, and the 11 data processing machines which are used for counting votes 12 and tabulating results and which are air-gapped and not 13 physically able to be connected to a network;
- 14 (3) "Ballot", the paper ballot, or ballot designed 15 for use with an electronic voting system on which each voter

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

16 may cast all votes to which he or she is entitled at an
17 election;

18 (4) "Ballot label", the card, paper, booklet, page, or
19 other material containing the names of all offices and
20 candidates and statements of all questions to be voted on;

21 (5) "Counting location", a location selected by the
22 election authority for the automatic processing or counting,
23 or both, of ballots;

24 (6) "County", any county in this state or any city not
25 within a county;

26 (7) "Disqualified", a determination made by a court of
27 competent jurisdiction, the Missouri ethics commission, an
28 election authority or any other body authorized by law to
29 make such a determination that a candidate is ineligible to
30 hold office or not entitled to be voted on for office;

31 (8) "District", an area within the state or within a
32 political subdivision of the state from which a person is
33 elected to represent the area on a policy-making body with
34 representatives of other areas in the state or political
35 subdivision;

36 (9) "Electronic voting machine", any part of an air-
37 gapped electronic voting system on which a voter is able to
38 cast a ballot under this chapter;

39 (10) "Electronic voting system", a system of casting
40 votes by use of marking devices, and counting votes by use
41 of automatic air-gapped tabulating or air-gapped data
42 processing equipment, including computerized voting systems
43 that mark or tabulate ballots;

44 (11) "Established political party" for the state, a
45 political party which, at either of the last two general
46 elections, polled for its candidate for any statewide office
47 more than two percent of the entire vote cast for the

48 office. "Established political party" for any district or
49 political subdivision shall mean a political party which
50 polled more than two percent of the entire vote cast at
51 either of the last two elections in which the district or
52 political subdivision voted as a unit for the election of
53 officers or representatives to serve its area;

54 (12) "Federal office", the office of presidential
55 elector, United States senator, or representative in
56 Congress;

57 (13) "Independent", a candidate who is not a candidate
58 of any political party and who is running for an office for
59 which political party candidates may run;

60 (14) "Major political party", the political party
61 whose candidates received the highest or second highest
62 number of votes at the last general election;

63 (15) "Marking device", any device approved by the
64 secretary of state under section 115.225 which will enable
65 the votes to be counted by automatic tabulating equipment;

66 (16) "Municipal" or "municipality", a city, village,
67 or incorporated town of this state;

68 (17) "New party", any political group which has filed
69 a valid petition and is entitled to place its list of
70 candidates on the ballot at the next general or special
71 election;

72 (18) "Nonpartisan", a candidate who is not a candidate
73 of any political party and who is running for an office for
74 which party candidates may not run;

75 (19) "Political party", any established political
76 party and any new party;

77 (20) "Political subdivision", a county, city, town,
78 village, or township of a township organization county;

79 (21) "Polling place", the voting place designated for
80 all voters residing in one or more precincts for any
81 election;

82 (22) "Precincts", the geographical areas into which
83 the election authority divides its jurisdiction for the
84 purpose of conducting elections;

85 (23) "Public office", any office established by
86 constitution, statute or charter and any employment under
87 the United States, the state of Missouri, or any political
88 subdivision or special district thereof, but does not
89 include any office in the Missouri state defense force or
90 the National Guard or the office of notary public or city
91 attorney in cities of the third classification or cities of
92 the fourth classification;

93 (24) "Question", any measure on the ballot which can
94 be voted "YES" or "NO";

95 (25) "Relative within the second degree by
96 consanguinity or affinity", a spouse, parent, child,
97 grandparent, brother, sister, grandchild, mother-in-law,
98 father-in-law, daughter-in-law, or son-in-law;

99 (26) "Special district", any school district, water
100 district, fire protection district, hospital district,
101 health center, nursing district, or other districts with
102 taxing authority, or other district formed pursuant to the
103 laws of Missouri to provide limited, specific services;

104 (27) "Special election", elections called by any
105 school district, water district, fire protection district,
106 or other district formed pursuant to the laws of Missouri to
107 provide limited, specific services; and

108 (28) **"Voter activity", registering to vote, voting in**
109 **an election, signing a petition to form a new political**
110 **party, signing a petition for the nomination of an**

111 **independent candidate for office, or signing an initiative**
112 **petition;**

113 (29) "Voting district", the one or more precincts
114 within which all voters vote at a single polling place for
115 any election.

115.163. 1. Each election authority shall use the
2 Missouri voter registration system established by section
3 115.158 to prepare a list of legally registered voters for
4 each precinct. The list shall be arranged alphabetically or
5 by street address as the election authority determines and
6 shall be known as the precinct register. The precinct
7 registers shall be kept by the election authority in a
8 secure place, except when given to election judges for use
9 at an election. Except as provided in subsection 6 of
10 section 115.157, all registration records shall be open to
11 inspection by the public at all reasonable times.

12 2. A new precinct register shall be prepared by the
13 election authority prior to each election.

14 3. (1) The election authority shall send to each
15 voter, except those who registered by mail and have not
16 voted, a voter identification card no later than ninety days
17 prior to the date of a primary or general election for
18 federal office, unless the voter has received such a card
19 during the preceding six months. The election authority
20 shall send to each voter who registered by mail and has not
21 voted the verification notice required under section 115.155
22 no later than ninety days prior to the date of a primary or
23 general election for federal office.

24 (2) The voter identification card shall contain the
25 voter's name, address, political party affiliation, and
26 precinct. The card also shall inform the voter of the
27 personal identification requirement in section 115.427 and

28 may also contain other voting information at the discretion
29 of the election authority.

30 (3) The voter identification card shall be sent to a
31 voter, except those who registered by mail and have not
32 voted, after a new registration or a change of address. If
33 any voter, except those who registered by mail and have not
34 voted, shall lose his or her voter identification card or
35 change political party affiliation, [he or she] **the voter**
36 may request a new card from the election authority.

37 (4) The **issuance of** voter identification [card
38 authorized] **cards** pursuant to **subdivision (1) of** this
39 [section may be used as] **subsection shall be considered a**
40 canvass of voters [in lieu of the provisions set out in]
41 **pursuant to** sections 115.179 to 115.193.

42 (5) Except as provided in subsection 6 of section
43 115.157, anyone, upon request and payment of a reasonable
44 fee, may obtain a printout, list and/or computer tape of
45 those newly registered voters or voters deleted from the
46 voting rolls, since the last canvass or updating of the
47 rolls.

48 (6) The election authority may authorize the use of
49 the postal service contractors under the federal National
50 Change of Address program to identify those voters whose
51 address is not correct on the voter registration records.
52 The election authority shall not be required to mail a voter
53 registration card to those voters whose addresses are
54 incorrect. Confirmation notices to such voters required by
55 section 115.193 shall be sent to the corrected address
56 provided by the National Change of Address program.

115.179. [1.] The election authority shall [have]
2 **canvass** the registration records of all precincts in its
3 jurisdiction [canvassed] every two years [in accordance with

4 subsection 3 of section 115.163 and that it]. **Such canvass**
5 **shall** be completed no later than ninety days prior to the
6 date of a primary or general election for federal office.
7 [The election authority may utilize postal service
8 contractors under the federal National Change of Address
9 program to canvass the records.

10 2. In each jurisdiction without a board of election
11 commissioners, the county clerk shall have the registration
12 records of all precincts in its jurisdiction canvassed every
13 two years in accordance with subsection 3 of section 115.163
14 and that it be completed no later than ninety days prior to
15 the date of a primary or general election for federal
16 office.]

115.181. 1. In its discretion, the election authority
2 may order all or any part of a canvass to be made **using any**
3 **one of the following methods, or any combination thereof:**

4 (1) House-to-house, **pursuant to sections 115.185 and**
5 **115.187;**

6 (2) Through the United States Postal Service, [or by
7 both methods] **pursuant to section 115.189;**

8 (3) **Through the issuance of voter registration cards**
9 **pursuant to subsection 3 of section 115.163; or**

10 (4) **Through the utilization of postal service**
11 **contractors pursuant to the federal National Change of**
12 **Address program.**

13 2. At the discretion of the election authority, [the]
14 a canvass may be made by including only those voters who did
15 not vote at the last general election and those voters who
16 registered since the last general election.

115.193. 1. Upon completion of a canvass as provided
2 for in this chapter, **the election authority shall remove a**
3 registered voter's name [shall not be removed] from the list

4 of registered voters **on the precinct register** on the ground
5 that the voter has changed residence [unless] **if:**

6 (1) The voter confirms in writing that the voter has
7 changed residence to a place outside the election
8 authority's jurisdiction in which the voter is registered; or

9 (2) The voter fails to respond to a notice described
10 in **subsection 3 of** this section and has not [voted in an
11 election] **engaged in voter activity** during the period
12 beginning on the date of the notice and ending on the day
13 after the date of the second general election that occurs
14 after the date of the notice.

15 2. The notice referred to in subsection 1, subdivision
16 (2) of this section shall contain a postage prepaid and
17 preaddressed return card, sent by forwardable mail, on which
18 the voter may state the voter's current address.

19 3. The notice shall also contain the following
20 statements:

21 "(1) Any voter who has not changed his or her
22 residence, or has changed residence but remained in the same
23 election authority's jurisdiction, shall return the card not
24 later than the fourth Wednesday prior to the next election.
25 If the card is not returned by this date, oral or written
26 affirmation of the voter's address may be required at the
27 polling place before the voter will be permitted to vote in
28 an election during the period beginning on the date of the
29 notice and ending on the day after the date of the second
30 general election that occurs after the date of the notice.
31 Any voter who does not [vote in an election] **engage in voter**
32 **activity** during that period, will have his or her name
33 removed from the list of eligible voters;

34 (2) For additional information on registering to vote,
35 contact the election authority located in the county of your

36 current residence. If you reside in the City of St. Louis,
37 contact the St. Louis City election board."

38 4. If the election authority believes that the name of
39 any voter was improperly removed from the [registration
40 records] **list of registered voters on the precinct register,**
41 it may, by telephone or in writing on election day,
42 authorize election judges to permit the voter to vote. The
43 voter may be required to execute an affidavit of
44 qualification on a form prescribed by the election authority
45 before being permitted to vote.

46 5. An election authority may designate any voter as an
47 inactive voter if the election authority receives from the
48 United States Postal Service notification that the voter no
49 longer resides at the address last known to the election
50 authority and no forwarding address is available, or the
51 voter fails to respond to the notice authorized in
52 subdivision (2) of subsection 1 of this section within
53 thirty days after the election authority sends such notice.
54 Such voter may be designated as an inactive voter only until:

55 (1) The voter returns such notice to the election
56 authority;

57 (2) The voter provides the election authority with his
58 or her new address pursuant to the provisions of this
59 chapter;

60 (3) The voter provides a written affirmation that the
61 voter has not changed residence; or

62 (4) The election authority receives sufficient
63 information to remove the voter from the list of registered
64 voters pursuant to this section or section 115.165, or
65 return the voter to the active list of registered voters in
66 the jurisdiction.

67 6. An election authority may exclude inactive voters
68 to determine only:

69 (1) The number of ballots to be printed pursuant to
70 section 115.247;

71 (2) The proportional costs of elections; or

72 (3) Mailing information to registered voters.

115.221. [Notwithstanding any other provisions of law
2 to the contrary,]

3 **1.** Each election authority may [have] **inspect** the
4 voting records [inspected and may] **of all precincts in its**
5 **jurisdiction.**

6 **2. (1) Each election authority shall** investigate the
7 qualifications of any person who has not [voted] **engaged in**
8 **voter activity** or **has** transferred his **or her** registration
9 within the [four] **two** preceding calendar years.

10 **(2) If an election authority determines that a**
11 **registered voter has not engaged in voter activity within**
12 **the two preceding calendar years, the election authority**
13 **shall include such registered voter in any canvass conducted**
14 **pursuant to section 115.181.**

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