

FIRST REGULAR SESSION

# SENATE BILL NO. 723

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0250S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 115.158 and 115.221, RSMo, and to enact in lieu thereof two new sections relating to voter registration, with an existing penalty provision.

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

Section A. Sections 115.158 and 115.221, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 115.158 and 115.221, to read as follows:

115.158. 1. The secretary of state shall implement a  
2 centralized, interactive computerized statewide voter  
3 registration list. This computerized list shall be known as  
4 the "Missouri Voter Registration System". The system shall  
5 be implemented by January 1, 2004, unless a waiver is  
6 obtained pursuant to the Help America Vote Act of 2002. If  
7 a waiver is obtained, the system shall be implemented by  
8 January 1, 2006. The system shall be maintained and  
9 administered by the secretary of state and contain the name  
10 and registration information of every legally registered  
11 voter in Missouri. In addition, the system shall:

12 (1) Assign a unique identifier to each legally  
13 registered voter in Missouri;

14 (2) Serve as the single system for storing and  
15 managing the official list of registered voters throughout  
16 Missouri;

17 (3) Be coordinated with other agency databases in  
18 Missouri;

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

19           (4) Allow any election official in Missouri, including  
20 local election authorities, immediate electronic access to  
21 the information contained in the system;

22           (5) Allow all voter registration information obtained  
23 by any local election official in Missouri to be  
24 electronically entered into the system on an expedited basis  
25 at the time the information is provided to the local  
26 official. The secretary of state, as the chief state  
27 election official, shall provide such support as may be  
28 required so that local election officials are able to enter  
29 the registration information; and

30           (6) Serve as the official voter registration list for  
31 the conduct of all elections in Missouri.

32           2. **Except as provided for in subsection 10 of this**  
33 **section,** the secretary of state and local election  
34 authorities shall perform system maintenance on a regular  
35 basis, which shall include:

36           (1) Removing names in accordance with the provisions  
37 and procedures of the National Voter Registration Act of  
38 1993 and coordinating system maintenance activities with  
39 state agency records on death and felony status;

40           (2) Requiring the name of each registered voter to  
41 appear in the system;

42           (3) Removing only voters who are not registered or who  
43 are not eligible to vote; and

44           (4) Eliminating duplicate names from the system.

45           3. The secretary of state shall provide adequate  
46 technological security measures to prevent the unauthorized  
47 access to the system established pursuant to this section.

48           4. The secretary of state shall develop procedures to  
49 ensure that voter registration records within the system are

50 accurate and updated regularly. At a minimum, the  
51 procedures shall include:

52 (1) A system of file maintenance that makes a  
53 reasonable effort to remove registrants who are ineligible  
54 to vote. Consistent with the National Voter Registration  
55 Act of 1993, registrants who have not responded to a notice  
56 and who have not voted in two consecutive general elections  
57 for federal office shall be removed from the official list  
58 of eligible voters, except that no registrant may be removed  
59 solely by reason of a failure to vote; and

60 (2) Safeguards to ensure that eligible voters are not  
61 removed in error.

62 5. Voter registration information shall be verified in  
63 accordance with the Help America Vote Act of 2002.

64 (1) Except as provided in subdivision (2) of this  
65 subsection, an application for voter registration may not be  
66 accepted or processed unless the application includes:

67 (a) In the case of an applicant who has been issued a  
68 current and valid driver's license, the applicant's driver's  
69 license number; or

70 (b) In the case of any other applicant, other than an  
71 applicant to whom subdivision (2) applies, the last four  
72 digits of the applicant's Social Security number.

73 (2) If an applicant for voter registration has not  
74 been issued a current and valid driver's license or a Social  
75 Security number, the applicant shall be assigned a number  
76 which will serve to identify the applicant for voter  
77 registration purposes. The number assigned under this  
78 subdivision shall be used as the unique identifying number  
79 within the system.

80 (3) The secretary of state and the director of the  
81 department of revenue shall enter into an agreement to match

82 information in the database of the voter registration system  
83 with information in the database of the motor vehicle system  
84 to enable the secretary to verify the accuracy of  
85 information provided on applications for voter registration.

86 (4) The director of the department of revenue shall  
87 enter into an agreement with the commissioner of Social  
88 Security and comply with the Help America Vote Act of 2002.

89 6. In addition to using the system for voter  
90 registration, the election authorities and secretary of  
91 state may use the system for the collection and  
92 dissemination of election results and other pertinent  
93 information. Any information contained in any state or  
94 local voter registration system, limited to the master voter  
95 registration list or any other list generated from the  
96 information, subject to chapter 610, shall not be used for  
97 commercial purposes; provided, however, that the information  
98 may be used for elections, for candidates, or for ballot  
99 measures, furnished at a reasonable fee. Violation of this  
100 section shall be a class B misdemeanor. For purposes of  
101 this section, "commercial purposes" means the use of a  
102 public record for the purpose of sale or resale or for the  
103 purpose of producing a document containing all or part of  
104 the copy, printout, or photograph for sale or the obtaining  
105 of names and addresses from public records for the purpose  
106 of solicitation or the sale of names and addresses to  
107 another for the purpose of solicitation or for any purpose  
108 in which the purchaser can reasonably anticipate the receipt  
109 of monetary gain from the direct or indirect use of the  
110 public record.

111 7. The secretary of state shall establish an advisory  
112 committee to assist in the establishment and maintenance of  
113 the Missouri voter registration system.

114           8. The secretary of state may promulgate rules to  
115 execute this section. No rule or portion of a rule  
116 promulgated pursuant to the authority of this section shall  
117 become effective unless it has been promulgated pursuant to  
118 chapter 536.

119           9. Election authorities and any agency required under  
120 the National Voter Registration Act of 1993 to accept voter  
121 registration applications shall forward registration and  
122 other data in a manner prescribed by the secretary of state  
123 to assist with administering and maintaining the Missouri  
124 voter registration system in accordance with the Help  
125 America Vote Act of 2002.

126           **10. Notwithstanding the provisions of subsection 2 of**  
127 **this section, the secretary of state shall not remove a**  
128 **registered voter from the system due to inactivity unless it**  
129 **has been more than five calendar years since the registered**  
130 **voter last voted. Before removing voters after five**  
131 **calendar years of inactivity, the secretary of state shall**  
132 **provide written notice to the registered voter with**  
133 **instructions for re-registration.**

115.221. Notwithstanding any other provisions of law  
2 to the contrary, each election authority may have the voting  
3 records inspected and may investigate the qualifications of  
4 any person who has not voted or transferred his registration  
5 within the [four] **five** preceding calendar years.

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