

FIRST REGULAR SESSION

SENATE BILL NO. 444

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0807S.01I

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2 repealed and two new sections enacted in lieu thereof, to be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 to the contrary, the secretary of state shall**
128 **not remove a registered voter from the system due to**
129 **inactivity unless it has been more than five calendar years**
130 **since the registered voter last voted. Before removing**
131 **voters after five calendar years of inactivity, the**
132 **secretary of state shall provide written notice to the**
133 **registered voter with 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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