

SECOND REGULAR SESSION

# HOUSE BILL NO. 1379

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WASHINGTON.

3818H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.158 and 115.221, RSMo, and to enact in lieu thereof two new sections relating to voter registration.

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

Section A. Sections 115.158 and 115.221, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.158 and 115.221, to read as follows:

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

- (1) Assign a unique identifier to each legally registered voter in Missouri;
- (2) Serve as the single system for storing and managing the official list of registered voters throughout Missouri;
- (3) Be coordinated with other agency databases in Missouri;
- (4) Allow any election official in Missouri, including local election authorities, immediate electronic access to the information contained in the system;
- (5) Allow all voter registration information obtained by any local election official in Missouri to be electronically entered into the system on an expedited basis at the time the information is provided to the local official. The secretary of state, as the chief state election

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 official, shall provide such support as may be required so that local election officials are able to  
18 enter the registration information; and

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

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

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

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

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

28 (4) Eliminating duplicate names from the system.

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

31 4. The secretary of state shall develop procedures to ensure that voter registration records  
32 within the system are accurate and updated regularly. At a minimum, the procedures shall  
33 include:

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

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

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

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

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

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

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

52 (3) The secretary of state and the director of the department of revenue shall enter into  
53 an agreement to match information in the database of the voter registration system with  
54 information in the database of the motor vehicle system to enable the secretary to verify the  
55 accuracy of information provided on applications for voter registration.

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

58 6. In addition to using the system for voter registration, the election authorities and  
59 secretary of state may use the system for the collection and dissemination of election results and  
60 other pertinent information. Any information contained in any state or local voter registration  
61 system, limited to the master voter registration list or any other list generated from the  
62 information, subject to chapter 610, shall not be used for commercial purposes; provided,  
63 however, that the information may be used for elections, for candidates, or for ballot measures,  
64 furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For  
65 purposes of this section, "commercial purposes" means the use of a public record for the purpose  
66 of sale or resale or for the purpose of producing a document containing all or part of the copy,  
67 printout, or photograph for sale or the obtaining of names and addresses from public records for  
68 the purpose of solicitation or the sale of names and addresses to another for the purpose of  
69 solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of  
70 monetary gain from the direct or indirect use of the public record.

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

73 8. The secretary of state may promulgate rules to execute this section. No rule or portion  
74 of a rule promulgated pursuant to the authority of this section shall become effective unless it  
75 has been promulgated pursuant to chapter 536.

76 9. Election authorities and any agency required under the National Voter Registration  
77 Act of 1993 to accept voter registration applications shall forward registration and other data in  
78 a manner prescribed by the secretary of state to assist with administering and maintaining the  
79 Missouri voter registration system in accordance with the Help America Vote Act of 2002.

80 **10. Notwithstanding the provisions of subsection 2 of this section, the secretary of**  
81 **state shall not remove a registered voter from the system due to inactivity unless it has been**  
82 **more than five calendar years since the registered voter last voted. Before removing voters**  
83 **after five calendar years of inactivity, the secretary of state shall provide written notice to**  
84 **the registered voter with instructions for re-registration.**

115.221. Notwithstanding any other provisions of law to the contrary, each election  
2 authority may have the voting records inspected and may investigate the qualifications of any

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3 person who has not voted or transferred his registration within the [~~four~~ **five** preceding calendar  
4 years.

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