

FIRST REGULAR SESSION

HOUSE BILL NO. 640

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NETH (Sponsor), HOUGH, LONG AND ELMER (Co-sponsors).

1551L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.637, RSMo, and to enact in lieu thereof one new section relating to electioneering, with penalty provisions.

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

Section A. Section 115.637, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.637, to read as follows:

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

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

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

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

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees,

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.

18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

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

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

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

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

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

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

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

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

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

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

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

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

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

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day;

77 **(20) Electioneering or, on the part of any person, refusing to remove or permit**
78 **removal from property owned or controlled by such person any electioneering activities**
79 **or materials on such election day after request for removal by any person. As used in this**
80 **subdivision, "electioneering" means knowingly attempting to persuade or influence eligible**
81 **voters to vote for or against a particular candidate, party, or question submitted, and**
82 **includes wearing, exhibiting, or distributing labels, signs, posters, stickers, or other**
83 **materials, or posting signs or placing vehicles bearing signs with respect to any candidate**
84 **or question to be voted on at an election that clearly identify any candidate or question to**
85 **be voted on at the election inside the building in which a polling place is located or within**
86 **two hundred fifty feet of the building's outer door closest to the polling place during the**
87 **time period allowed by law for casting a ballot. For purposes of this subdivision,**
88 **"electioneering" shall not include bumper stickers affixed to a motor vehicle that is used**
89 **to transport voters to a polling place for the purpose of voting. In addition to the penalties**

90 established in this section, any person holding any public office or any position of public
91 employment who is guilty of violating this subdivision shall immediately forfeit such office
92 or employment.

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