

FIRST REGULAR SESSION

HOUSE BILL NO. 1387

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE APPELBAUM.

2575H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.175, RSMo, and to enact in lieu thereof two new sections relating to the Missouri voter fraud prevention act.

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

Section A. Section 115.175, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.175 and 115.975, to read as follows:

115.175. Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who pays or offers to pay, accepts or offers to accept payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a class one election offense. **Errors in the statewide voter registration system shall not amount to a class one election offense unless the individual knowingly or willfully provided false information that led to the error.**

115.975. 1. This section shall be known and may be cited as the "Missouri Voter Fraud Prevention Act".

2. Notwithstanding any other manner of voter registration under this chapter, every eligible voter in the state shall be automatically registered to vote as provided in this section unless the voter indicates that he or she does not want to be registered to vote.

3. (1) As used in the this section, the term "source agency" shall mean the department of revenue, the department of social services, local housing authorities, the University of Missouri system, the department of corrections, the division of probation and

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.

9 parole, the department of labor, the department of health and senior services, the bureau
10 of vital records, local health departments, recorders of deeds, and any other agency
11 designated by the secretary of state as provided in subdivision (2) of this subsection.

12 (2) The secretary of state may designate additional state agencies to serve as sources
13 for voter registration information. In designating additional agencies, the secretary of
14 state shall consider:

15 (a) The likelihood that the agency's records contain information about a large
16 number of eligible citizens;

17 (b) The extent to which the agency's records reflect eligible citizens who would not
18 otherwise be registered to vote;

19 (c) The accuracy of personal identification information stored in the records; and

20 (d) Any additional factors the secretary of state determines are reasonably related
21 to achieving automatic voter registration.

22 4. (1) The following actions shall result in an individual's automatic voter
23 registration or an update to the information of an already registered voter if the individual
24 otherwise meets the requirements to register to vote:

25 (a) Completing an application for a new or renewed driver's license, nondriver
26 identification card, driver's permit, or certification of supervised driving that is not a
27 request for duplication of a lost or stolen card with the department of revenue or notifying
28 the department in writing of a change in his or her name or mailing address;

29 (b) Completing an application for services or renewal of services or change of
30 address relating to such services from the department of social services;

31 (c) Completing an application for services or renewal of services or change of
32 address relating to services from a local housing authority;

33 (d) Registering for classes at an institution of the University of Missouri system;

34 (e) Completing an application for unemployment benefits;

35 (f) Filing of a death certificate with the bureau of vital records or local health
36 department;

37 (g) Submitting a form by the division of probation and parole to the secretary of
38 state that states an individual has been discharged from probation, parole, or
39 incarceration; the discharge is nonconditional; and the individual's place of residence upon
40 release; or

41 (h) Completing an application with a source agency, as that term is defined in
42 subdivision (1) of subsection 3 of this section.

43 **(2) When a source agency assists an individual with any of the activities in**
44 **paragraphs (a) to (f) of subdivision (1) of this subsection, the source agency shall, at least**
45 **monthly, provide the following information for each individual to the secretary of state:**

46 **(a) Full name;**

47 **(b) Mailing and residential addresses;**

48 **(c) Date of birth;**

49 **(d) Proof of citizenship or attestation of eligibility;**

50 **(e) Driver's license or nondriver's license number or the last four numbers of the**
51 **individual's Social Security number; and**

52 **(f) An image of the person's signature.**

53

54 **In the event that the source agency does not have or does not provide an image of the**
55 **individual's signature, the secretary of state shall develop a method for indicating that the**
56 **voter is required to provide his or her signature and an acceptable form of voter**
57 **identification when applying for an absentee ballot or before voting at a polling place on**
58 **election day.**

59 **(3) Upon receipt of the information in subdivision (2) of this subsection, the**
60 **secretary of state shall identify individuals who are eligible to register to vote but are not**
61 **registered and shall promptly send each individual a written notice with the following**
62 **information:**

63 **(a) An explanation that voter registration is voluntary, but if the individual does**
64 **not expressly decline registration, he or she will be registered to vote;**

65 **(b) A statement offering the opportunity to decline to register to vote, that**
66 **registration shall be declined within forty-five days, and that the decision to decline voter**
67 **registration shall remain confidential;**

68 **(c) The voter eligibility requirements and a statement that the individual shall**
69 **decline registration if he or she does not satisfy the requirements;**

70 **(d) Penalties for submission of false information; and**

71 **(e) Instructions for correcting incorrect information.**

72

73 **The written notice shall include a form that may be signed and returned in a prepaid**
74 **envelope to decline voter registration. If an individual fails to decline voter registration**
75 **within the forty-five-day period, the individual shall be registered to vote.**

76 **5. The secretary of state shall develop a form that source agencies may utilize to**
77 **assist in collecting the information required under paragraphs (a) through (f) of**

78 subdivision (2) of subsection 4 of this section. The form shall contain the following
79 information:

80 (1) An explanation that voter registration is voluntary but if the individual does not
81 expressly decline registration, he or she will be registered to vote;

82 (2) A statement offering the opportunity to decline to register to vote, the method
83 by which the individual may decline registration, and a statement that the decision to
84 decline voter registration shall remain confidential;

85 (3) The voter eligibility requirements and a statement that the individual declines
86 registration if he or she does not satisfy the requirements;

87 (4) Penalties for submission of false information; and

88 (5) A statement that the benefits or services sought from the source agency shall not
89 be affected by the individual's decision to register or decline to register to vote.

90 6. The secretary of state and source agencies shall collaborate on the best methods
91 for complying with the requirements of this section. The secretary of state shall make rules
92 regarding the implementation of this section and shall be responsible for providing
93 training programs for source agencies. All source agencies in this section shall comply with
94 rules established by the secretary of state to assist with the implementation of automatic
95 voter registration.

96 7. The secretary of state may promulgate rules to assist in the implementation of
97 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
98 is created under the authority delegated in this section shall become effective only if it
99 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
100 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
101 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
102 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
103 grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,
104 shall be invalid and void.

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