

SECOND REGULAR SESSION

SENATE BILL NO. 609

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3540S.011

AN ACT

To repeal sections 115.079, 115.081, 115.085, 115.089, 115.095, and 115.102, RSMo, and to enact in lieu thereof six new sections relating to election judges, with penalty provisions.

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

Section A. Sections 115.079, 115.081, 115.085, 115.089, 115.095, and
2 115.102, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 115.079, 115.081, 115.085, 115.089, 115.095, and 115.102, to
4 read as follows:

115.079. 1. All election judges in each jurisdiction shall be appointed by
2 the election authority. **Election judges may be selected at random from a**
3 **cross-section of the voter registrations of the population within the**
4 **election authority's jurisdiction, in a manner determined by the**
5 **election authority. In considering individuals for selection as election**
6 **judges, the election authority shall consider factors to ensure that**
7 **nondiscrimination in the representation of the community is served to**
8 **the greatest extent possible, including but not limited to the**
9 **individual's party affiliation, geographic location, demographics, and**
10 **relevant skills and experience.**

11 2. All qualified citizens shall have the opportunity to be
12 considered for selection. No citizen shall be excluded from selection as
13 a result of discrimination based on the individual's race, color, religion,
14 sex, national origin, or economic status. No citizen shall be excluded
15 from selection unless excused because of ill health or other good and
16 sufficient reason as determined by the election authority.

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

17 **3. The election authority shall notify each individual selected as**
18 **an election judge by a letter mailed at least fifteen days before the**
19 **required reporting date for the election.**

20 **4. All qualified citizens selected shall fulfill the obligation to**
21 **serve as an election judge as prescribed by the election authority.**

115.081. 1. Each election authority shall appoint election judges for each
2 polling place within its jurisdiction in accordance with the provisions of this
3 section.

4 2. In all primary and general elections, the election authority shall
5 appoint at least two judges from each major political party to serve at each
6 polling place. No major political party shall have a majority of the judges at any
7 polling place. No established party shall have a greater number of judges at any
8 polling place than any major political party.

9 3. In any election that is not a primary or general election, the election
10 authority shall appoint at least one judge from each major political party to serve
11 at each polling place. No major political party shall have a majority of the judges
12 at any polling place. No established party shall have a greater number of judges
13 at any polling place than any major political party.

14 4. The election authority shall designate two of the judges appointed for
15 each polling place, one from each major political party, as supervisory
16 judges. Supervisory judges shall be responsible for the return of election supplies
17 from the polling place to the election authority and shall have any additional
18 duties prescribed by the election authority.

19 5. Election judges may be employed to serve for the first half or last half
20 of any election day. Such judges shall be paid one-half the regular rate of pay.
21 If part-time judges are employed, the election authority shall employ such judges
22 and shall see that a sufficient number for each period are present at all times so
23 as to have the proper total number of judges present at each polling place
24 throughout each election day. The election authority shall require that at each
25 polling place at least one election judge from each political party serve a full day
26 and that at all times during the day there be an equal number of election judges
27 from each political party.

28 6. An election authority may appoint additional election judges
29 representing other established political parties and additional election judges who
30 do not claim a political affiliation. Any question which requires a decision by the
31 majority of judges shall only be made by the judges from the major political

32 parties.

33 **7. No election authority shall provide a list of election judges or**
34 **other election workers to any person or committee until the election**
35 **has been completed.**

115.085. No person shall be appointed to serve as an election judge who
2 is not a registered voter in this state; provided that, before any election authority
3 may appoint judges who are registered voters of another election authority's
4 jurisdiction, the election authority shall obtain the written consent of the election
5 authority for the jurisdiction where the prospective judges are registered to
6 vote. Each election judge shall be a person of good repute and character who can
7 speak, read, and write the English language **and, except as provided under**
8 **subsection 3 of section 115.104, be a registered voter within the election**
9 **authority's jurisdiction.** No person shall serve as an election judge at any
10 polling place in which his or her name or the name of a relative within the second
11 degree, by consanguinity or affinity, appears on the ballot. However, no relative
12 of any unopposed candidate shall be disqualified from serving as an election judge
13 in any election jurisdiction of the state. No election judge shall, during his or her
14 term of office, hold any other elective public office, other than as a member of a
15 political party committee or township office, except any person who is elected to
16 a board or commission of a political subdivision or special district may serve as
17 an election judge except at a polling place where such political subdivision or
18 special district has an issue or candidate on the ballot. **Each person selected**
19 **shall, if qualified and unless excused because of ill health or other good**
20 **and sufficient reason, serve for the term for which the individual was**
21 **selected.** In any county having a population of less than two hundred fifty
22 thousand inhabitants, any candidate for the county committee of a political party
23 who is not a candidate for any other office and who is unopposed for election as
24 a member of the committee shall not be disqualified from serving as an election
25 judge.

115.089. Each board of election commissioners shall [have authority to]
2 appoint election judges [for individual elections, or] for a term [coincident with
3 the term of the board and until the judges' successors are appointed and
4 qualified] **of two years, but no election judge shall be selected and**
5 **appointed for service in more than five elections during the two-year**
6 **term.** The board may ask the county committee of each major political party to
7 submit a list of persons qualified to serve as election judges and may select and

8 appoint judges from the lists. The board may compile a list of persons who claim
9 no political affiliation and who volunteer to be election judges and may select and
10 appoint judges from the list. **Election judges may be selected and**
11 **appointed at least fifteen days before an election.**

115.095. 1. **Each person selected and appointed as an election**
2 **judge shall report to the office of the election authority or any other**
3 **designated location to complete any necessary informational forms and**
4 **to receive training for election judge duties at the time indicated in the**
5 **notice of selection and appointment.** If any judge fails to act or to appear
6 by the time fixed by law for the opening of the polls, the election authority shall
7 be notified immediately by an election judge. The election authority or the
8 election judges present in the polling place shall appoint another judge from the
9 same political party as the judge failing to act or to appear. If the election judges
10 elect a qualified temporary judge, such judge shall have full authority to act as
11 judge for the election, except that such judge may be removed at any time by the
12 election authority and replaced with another qualified judge from the same
13 political party as the removed judge. Any judge selected pursuant to this section
14 shall be selected to ensure that no political party shall have a majority of judges
15 at any polling place and that each major political party has at least one judge
16 serving at the polling place.

17 **2. Any person who is selected and appointed as an election judge**
18 **and who refuses, neglects, or fails to serve without excuse shall be**
19 **guilty of a class C misdemeanor. Any person who is selected and**
20 **appointed as an election judge and who fails to serve for the appointed**
21 **term, unless excused because of ill health or other good and sufficient**
22 **reason, is guilty of a class B misdemeanor. The election authority shall**
23 **submit the names of any person violating this subsection to the county**
24 **prosecutor with jurisdiction in the election authority's jurisdiction for**
25 **prosecution under this subsection.**

115.102. 1. An employer shall not terminate, discipline, threaten or take
2 adverse actions against an employee based on the employee's service as an
3 election judge, **and no person selected and appointed as an election judge**
4 **shall be subjected to such actions, except that an employer may reduce**
5 **the pay of an employee for each hour of work missed by an amount**
6 **equal to the hourly compensation not including expenses paid to the**
7 **employee for such service.**

8 2. An employee who is appointed to serve as an election judge may, on
9 election day, be absent from his or her employment for the period of time that the
10 election authority requires the employee to serve as election judge. Employees
11 must notify employers at least seven days prior to an election that they will be
12 absent from work on election day due to service as an election judge, **but such**
13 **notice shall not be required for any person selected and appointed to**
14 **fill a vacancy as an election judge on the day of an election. Any such**
15 **person shall be excused upon request from any shift work, without loss**
16 **of pay, for the hours during which the individual is required to serve**
17 **and, if required to serve eight hours or more, for eight hours before**
18 **and eight hours after the individual is required to serve.**

19 3. An employee discharged in violation of this section may bring a civil
20 action against the employer within ninety days of discharge for recovery of lost
21 wages and other damages caused by the violation and for an order directing
22 reinstatement of the employee. If the employee prevails, the employee shall be
23 entitled to receive reasonable attorney's fees and costs.

24 4. **Any person who threatens to terminate, coerces, or attempts**
25 **to coerce any person in violation of this section is guilty of a class B**
26 **misdemeanor. Any person who terminates such person's employment,**
27 **reduces such person's regular pay, overtime pay, sick leave, or vacation**
28 **time, or penalizes such person in any other way for the person's service**
29 **as an election judge, is guilty of a class D felony. The election**
30 **authority shall submit the names of any person violating this section**
31 **to the county prosecutor with jurisdiction in the election authority's**
32 **jurisdiction for prosecution under this section.**

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