

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 9
95TH GENERAL ASSEMBLY

0770L.05C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to voting.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2010, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article VIII of the Constitution of the state of
5 Missouri:

Section A. Article VIII, Constitution of Missouri, is amended by adding four new
2 sections, to be known as sections 9, 10, 11, and 12, to read as follows:

**Section 9. 1. Persons seeking to vote in a public election shall establish their
2 qualifications as a United States citizen lawfully residing in this state by providing a form
3 of photographic personal identification to election officials.**

**2. The secretary of state shall provide advance notice of the personal identification
5 requirements of this section in a manner calculated to inform the public generally of the
6 requirement for forms of personal identification as provided in this section. Such advance
7 notice shall include, at a minimum, the use of advertisements and public service
8 announcements in print, broadcast television, radio, and cable television media, as well as
9 the posting of information on the opening pages of the official state Internet web sites of
10 the secretary of state and governor.**

**11 3. No form of personal identification other than the forms listed in this subsection
12 shall be accepted to establish a voter's qualifications to vote. Forms of personal
13 identification that satisfy the requirements of this section are any one of the following:**

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.

14 **(1) Nonexpired Missouri driver's license showing the name and a photograph or**
15 **a digital image of the individual;**

16 **(2) Nonexpired or nonexpiring Missouri nondriver's license showing the name and**
17 **a photograph or a digital image of the individual;**

18 **(3) Any identification containing a photograph or a digital image of the individual**
19 **that is issued by the Missouri National Guard, the United States armed forces, or the**
20 **United States Department of Veterans Affairs to a member or former member of the**
21 **Missouri National Guard or the United States armed forces and that does not have an**
22 **expiration date; or**

23 **(4) A document that satisfies all of the following requirements:**

24 **(a) The document contains the name of the individual to whom the document was**
25 **issued, and the name substantially conforms to the most recent signature in the individual's**
26 **voter registration record;**

27 **(b) The document shows a photograph or a digital image of the individual;**

28 **(c) The document includes an expiration date, and the document is not expired, or**
29 **if expired, the document expired after the date of the most recent general election; and**

30 **(d) The document was issued by the United States or the state of Missouri.**

31 **4. Each election authority shall post a clear and conspicuous notice at each polling**
32 **place informing each voter who appears at the polling place without a form of personal**
33 **identification that satisfies the requirements of this section that the voter may return to the**
34 **polling place with a proper form of personal identification and vote a regular ballot after**
35 **election judges have verified the voter's identity and eligibility under this section. In**
36 **addition to such posting, the election judges at each polling place may also inform such**
37 **voters by written or oral communication of such information posted in the notice. Voters**
38 **who return to the polling place during the uniform polling hours established by law with**
39 **a current and valid form of personal identification shall be given priority in any voting**
40 **lines.**

41 **5. An individual who appears at a polling place without a form of personal**
42 **identification described in this section and who is otherwise qualified to vote at that polling**
43 **place may execute an affidavit as provided by law averring that the voter is the person**
44 **listed in the precinct register, does not possess a form of personal identification specified**
45 **in this section, and is unable to obtain a current and valid form of personal identification**
46 **because of:**

47 **(1) A physical or mental disability or handicap of the voter, if the voter is otherwise**
48 **competent to vote under Missouri law;**

49 (2) A sincerely held religious belief against the forms of personal identification
50 described in this section; or

51 (3) The voter being born on or before January 1, 1944;

52 (4) The voter has recently lost or has surrendered his photo identification to any
53 law enforcement agency.

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55 Upon executing such affidavit, the individual may cast a provisional ballot. Such
56 provisional ballot shall be counted, provided the election authority verifies the identity of
57 the individual by comparing that individual's signature to the signature on file with the
58 election authority and determines that the individual was eligible to cast a ballot at the
59 polling place where the ballot was cast.

60 6. The state shall provide at least one such form of the personal identification
61 required to vote at no cost to any otherwise qualified citizen who does not already possess
62 such identification and who desires the identification in order to vote. Any applicant who
63 requests a nondriver's license with a photograph or a digital image for the purpose of
64 voting shall not be required to pay a fee if the applicant executes an affidavit averring that
65 the applicant does not have any other form of personal identification that meets the
66 requirements of this section. The state of Missouri shall pay the legally required fees for
67 any such applicant. The director shall design an affidavit to be used for this purpose. The
68 total cost associated with nondriver's license photo identification under this subsection
69 shall be borne by the state of Missouri from funds appropriated to the department of
70 revenue for that specific purpose. The department of revenue and a local election
71 authority may enter into a contract that allows the local election authority to assist the
72 department in issuing nondriver's license photo identifications.

73 7. The director of the department of revenue shall, by January first of each year,
74 prepare and deliver to each member of the general assembly a report documenting the
75 number of individuals who have requested and received a nondriver's license photo
76 identification for the purposes of voting under this section. The report shall also include
77 the number of persons requesting a nondriver's license for purposes of voting under this
78 section, but not receiving such license, and the reason for the denial of the nondriver's
79 license.

 Section 10. In order to vote in any election for which registration is required, a
2 person shall be registered to vote in the jurisdiction of the person's residence no later than
3 five o'clock in the evening, or the normal closing time of any public building where the
4 registration is being held if such time is later than five o'clock in the evening, on the fourth
5 Wednesday before the election, unless the voter is an interstate former resident, an

6 intrastate new resident, or a new resident as defined in section 12 of this article. In no case
7 shall registration for an election extend beyond ten o'clock in the evening on the fourth
8 Wednesday before the election. Any person registering after such date shall be eligible to
9 vote in subsequent elections.

Section 11. 1. Each local election authority shall establish one advance voting
2 center in each state senatorial district in the state, or if a state senatorial district contains
3 more than one county, in each county located in such senatorial district. Any registered
4 voter of this state may vote by advance ballot in person in any election in which
5 presidential and vice presidential electors or the offices of United States senator, governor,
6 lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general
7 are on the ballot at an advance voting center in the county or the senatorial district in
8 which the voter is registered during the advance voting period established in this section.

9 2. The advance voting period shall begin on the second Wednesday immediately
10 preceding an election and end on the Wednesday immediately preceding an election. All
11 local election authorities shall conduct advance voting at each advance voting center
12 established by the local election authority between seven o'clock in the morning and six
13 o'clock in the evening on each weekday during the advance voting period. Advance voting
14 shall also be conducted from eight o'clock in the morning until noon on the Saturday
15 occurring during the advance voting period.

16 3. The secretary of state and each local election authority shall provide adequate
17 public notice of the advance voting centers and periods, including but not limited to,
18 posting such information at each local election authority's office and on the web site of each
19 local election authority that maintains a web site, and by such other methods as the
20 secretary of state and the local election authority may select. The secretary of state and the
21 local election authority shall provide adequate public notice of any change of location,
22 including but not limited to, posting such information at each local election authority's
23 office, at the original advance voting center, and on the web site of each local election
24 authority that maintains a web site, and by such other methods as the secretary of state and
25 each local election authority may select.

26 4. Each local election authority shall appoint at least one judge from each major
27 political party to serve at each advance voting center. No major political party shall have
28 a majority of the judges at any advance voting center. No established party shall have a
29 greater number of judges at any advance voting center than any major political party. All
30 provisions relating to polling places established by state law shall apply to any advance
31 voting center established under this section, and all procedures for casting and counting

32 ballots established by state law shall apply to casting advance ballots in person and
33 counting advance ballots under this section.

34 5. No person who has voted an advance ballot in the election shall vote at the polls
35 on election day. If it is determined that any voter submitted an advance ballot and voted
36 at the polls on election day, such person, having voted more than once, is guilty of a class
37 one election offense as provided by law.

38 6. All costs associated with the implementation of advance voting under this section
39 shall be reimbursed from the general revenue of this state by an appropriation for that
40 purpose.

41 7. All laws authorizing voters to vote by advance ballot under any method other
42 than the method authorized in this section shall be void.

Section 12. 1. As used in this section, the following terms mean:

2 (1) "Interstate former resident", a former resident and registered voter in this state
3 who moves from Missouri to another state after the deadline established by law to register
4 to vote in any presidential election in the new state and who otherwise possesses the
5 qualifications to register and vote in such state;

6 (2) "Intrastate new resident", a registered voter of this state who moves from one
7 election authority's jurisdiction in the state to another election authority's jurisdiction in
8 the state after the last day established in section 10 of this article to register to vote in an
9 election and otherwise possesses the qualifications to vote;

10 (3) "New resident", a person who moves to this state after the last date established
11 in section 10 of this article to register to vote in any presidential election;

12 (4) "Person in federal service" includes:

13 (a) Members of the armed forces of the United States, while in active service, and
14 their spouses and dependents;

15 (b) Active members of the merchant marine of the United States and their spouses
16 and dependents;

17 (c) Civilian employees of the United States government working outside the
18 boundaries of the United States, and their spouses and dependents;

19 (d) Active members of religious or welfare organizations who are absent from the
20 jurisdiction of the election authority due to assisting servicemen, and their spouses and
21 dependents;

22 (e) Persons who have been honorably discharged from the armed forces or who
23 have terminated their service or employment in any group listed in this section within sixty
24 days of an election, and their spouses and dependents.

25 **2. Except as provided in subsections 4, 5, and 6 of this section, any registered voter**
26 **of this state may vote by absentee ballot for all candidates and issues for which such voter**
27 **would be eligible to vote at the polling place if such voter expects to be prevented from**
28 **going to the polls to vote on election day due to:**

29 **(1) Absence on election day from the jurisdiction of the election authority in which**
30 **such voter is registered to vote;**

31 **(2) Incapacity or confinement due to illness or physical disability, including a**
32 **person who is primarily responsible for the physical care of a person who is incapacitated**
33 **or confined due to illness or disability;**

34 **(3) Religious belief or practice;**

35 **(4) Employment as an election authority, as a member of an election authority, or**
36 **by an election authority at a location other than such voter's polling place;**

37 **(5) Incarceration, provided all qualifications for voting are retained.**

38 **3. Any person in federal service who is eligible to register and vote in this state but**
39 **is not registered may vote only in the election of presidential and vice presidential electors,**
40 **United States senator, and representative in Congress even though the person is not**
41 **registered. Each person in federal service may vote by absentee ballot or, upon submitting**
42 **an affidavit that the person is qualified to vote in the election, may vote at the person's**
43 **polling place.**

44 **4. Any interstate former resident may vote by absentee ballot for presidential and**
45 **vice presidential electors.**

46 **5. Any intrastate new resident may vote by absentee ballot at the election for**
47 **presidential and vice presidential electors, United States senator, representative in**
48 **Congress, governor, lieutenant governor, secretary of state, state auditor, state treasurer,**
49 **attorney general, and statewide questions, propositions, and amendments from such**
50 **resident's new jurisdiction of residence after registering to vote in such resident's new**
51 **jurisdiction of residence.**

52 **6. Any new resident may vote by absentee ballot for presidential and vice**
53 **presidential electors after registering to vote in such resident's new jurisdiction of**
54 **residence.**

55 **7. No person who has voted an absentee ballot in the election shall vote at the polls**
56 **on election day. If it is determined that any voter submitted an absentee ballot and voted**
57 **at the polls on election day, such person, having voted more than once, is guilty of a class**
58 **one election offense as provided by law. Any violation of any provision of state law relating**
59 **to absentee voting shall be a class one election offense as provided by law.**

60 **8. All laws authorizing voters to vote by absentee ballot under any method other**
61 **than the method authorized in this section shall be void.**

Section B. The official ballot title for section A of this act shall read as follows:

2 "Shall the Missouri Constitution be amended to enhance the efficiency and security of
3 elections by allowing voting before election day, establishing voter registration deadlines,
4 requiring the state to pay for any documentation required to vote, requiring photographic
5 identification in order to vote, and establishing absentee voting guidelines?".

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