

HCS HJR 64 -- ELECTIONS

SPONSOR: Deeken (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 7 to 5.

Upon voter approval, this proposed constitutional amendment changes the laws regarding elections. In its main provisions, the resolution authorizes the enactment by general law of provisions which:

(1) Allow a person to vote in person in advance of election day at all elections. Advance voting may be permitted from the second Wednesday before the election until the first Wednesday before the election excluding Sundays. The voting may be conducted at locations as necessary or desirable to balance reasonable access to advance voting; accountability, integrity, and security of the election; efficiency in the administration of the election; and appropriate and responsible uses of public funds. The counting of advance ballots before the election day is prohibited. Certain restrictions on the release of voter identification information until after the regular election are specified. Advance voting cannot take place for any election held on or before January 1, 2012, in order to allow election authorities sufficient time to prepare. These provisions will not apply to absentee voting laws, and any law that conflicts with these provisions will not be valid or enforceable;

(2) Require a person seeking to vote in person in a public election to identify himself or herself and verify his or her qualifications as a citizen of the United States and a resident of Missouri and allow exceptions to the identification requirement; and

(3) Allow different requirements for absentee voting when the voter does not appear before the election authority.

If any portion, clause, or phrase of the resolution is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the entire resolution will be invalid and of no further force or effect.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 or a cost of More than \$7,000,000 in FY 2011, an income of \$0 or a cost of Unknown in FY 2012, and an income of \$0 or a cost of Unknown in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that voter fraud is a concern in

Missouri and should be addressed. The United States Supreme Court allows the use of photo identification in certain circumstances to further the state's interest in preventing fraud. Studies show that identification requirements do not lower voter turnout in any statistically significant manner. The bill is not enabling legislation, and all specific requirements must be passed by general law.

Testifying for the bill was Representative Cox.

OPPONENTS: Those who oppose the bill say that it will cost millions of dollars and disenfranchise thousands of voters. Currently, approximately 240,000 eligible voters lack identification. Obtaining a photo identification could be an economic burden for some people.

Testifying against the bill were Office of the Secretary of State; American Civil Liberties Union of Eastern Missouri; Missouri National Education Association; Mark Brown, Missouri Service Union of Kansas City; and Missouri Association for Social Welfare.

OTHERS: Others testifying on the bill say fraud could be occurring in Missouri elections. Electronic verification is becoming acceptable nationwide. Generally, election laws should not be specified in the constitution but in statute.

Testifying on the bill was Wendy Noren, Boone County Clerk.