

FIRST REGULAR SESSION

HOUSE BILL NO. 329

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIEHL (Sponsor), COX, GATSCHENBERGER,
FISHER AND DUGGER (Co-sponsors).

1113L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

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

Section A. Section 115.427, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.276 and 115.427, to read as follows:

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

2. The advance voting period shall begin on the second Saturday immediately preceding an election and end on the Wednesday immediately preceding an election, excluding Sundays. All local election authorities shall conduct advance voting at each advance voting center established by the local election authority between nine o'clock in the morning and five o'clock in the evening on weekdays and for a four-hour period between nine o'clock in the morning and five o'clock in the evening on Saturdays during the advance voting period.

3. The secretary of state and each local election authority shall provide adequate public notice of the advance voting centers and periods, including but not limited to,

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 **posting such information at each local election authority's office and on the website of each**
19 **local election authority that maintains a website, and by such other methods as the**
20 **secretary of state and the local election authority may select. Except as otherwise provided**
21 **in this section, all provisions relating to appointment of election judges and polling places**
22 **established by state law shall apply to any advance voting center established under this**
23 **section.**

24 **4. Absentee ballots printed and distributed under this chapter shall be used during**
25 **the advance voting period. No statement of the voter's reason for voting an absentee ballot**
26 **shall be required for voters using an absentee ballot under this subsection as such**
27 **statements are required for absentee ballots. All procedures for casting and counting an**
28 **absentee ballot under this chapter shall apply to advance voting under this section, except**
29 **as such procedures are changed as provided in this section.**

30 **5. All costs associated with the implementation of advance voting under this section**
31 **shall be reimbursed from the general revenue of this state by an appropriation for that**
32 **purpose. If there is no appropriation of state funds, an election authority shall not conduct**
33 **advance voting.**

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote in a public**
2 **election shall establish their identity and eligibility to vote at the polling place by presenting a**
3 **form of personal identification to election officials. ["Personal identification" shall mean only]**
4 **No form of personal identification other than the forms listed in this section shall be**
5 **accepted to establish a voter's qualifications to vote. Forms of personal identification that**
6 **satisfy the requirements of this section are any one of the following:**

7 (1) Nonexpired Missouri driver's license [showing the name and a photograph or digital
8 image of the individual]; [or]

9 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the name and a
10 photographic or digital image of the individual]; [or]

11 (3) **Any identification containing a photograph of the individual that is issued by**
12 **the Missouri national guard, the United States armed forces, or the United States**
13 **Department of Veterans Affairs to a member or former member of the Missouri national**
14 **guard or the United States armed forces and that does not have an expiration date;**

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

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

19 (b) The document shows a [photographic or digital image] **photograph** of the
20 individual;

21 (c) The document includes an expiration date, and the document is not expired, or if
22 expired, **the document** expired [not before] **after** the date of the most recent general election;
23 and

24 (d) The document was issued by the United States or the state of Missouri; or

25 (4) Any identification containing a [photographic or digital image] **photograph** of the
26 individual which is issued by the Missouri national guard, the United States armed forces, or the
27 United States Department of Veteran Affairs to a member or former member of the Missouri
28 national guard or the United States armed forces and that does not have an expiration date.

29 2. [The] **All election authority costs associated with the implementation of the photo**
30 **identification requirements of this section shall be reimbursed from the general revenue**
31 **of this state by an appropriation for that purpose. If there is no appropriation of state**
32 **funds, then election authorities shall not enforce the photo identification requirements of**
33 **this section.**

34 **3. Each** election authority shall post a clear and conspicuous notice at each polling place
35 informing each voter who appears at the polling place without a form of personal identification
36 that satisfies the requirements of [subsection 1 of] this section that the voter may return to the
37 polling place with a proper form of personal identification and vote a regular ballot after election
38 judges have verified the voter's identity and eligibility under [subsection 1 of] this section. In
39 addition to such posting, the election judges **at each polling place** may also inform such voters
40 by written or oral communication of such information posted in the notice. Voters who return
41 to the polling place during the uniform polling hours established by section 115.407 with a
42 current and valid form of personal identification shall be given priority in any voting lines.

43 [3.] **4.** An individual who appears at a polling place without **a form of personal**
44 identification [in the form] described in [subsection 1 of] this section and who is otherwise
45 qualified to vote at that polling place may execute an affidavit averring that the voter is the
46 person listed in the precinct register [and that the voter] , does not possess a form of **personal**
47 identification specified in this section, and is unable to obtain a current and valid form of
48 personal identification because of:

49 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
50 competent to vote under Missouri law; [or]

51 (2) **The inability to pay for a birth certificate or other supporting documentation**
52 **that is necessary to obtain the identification required to vote under this section;**

53 (3) A sincerely held religious belief against the forms of personal identification described
54 in [subsection 1 of] this section; or

55 [(3)] (4) The voter being born on or before January 1, 1941.

56

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

62 [4.] 5. The affidavit to be used for voting under subsection 3 of this section shall be
63 substantially in the following form:

64

65 "State of

66 County of

67 I do solemnly swear (or affirm) that my name is; that I reside at
68; and that I am the person listed in the precinct register under this name
69 and at this address. I further swear (or affirm) that I am unable to obtain a current and valid form
70 of personal identification because of:

71

72 G A physical or mental disability or handicap;[or]

73 **G An inability to pay for a birth certificate or other supporting documentation**
74 **necessary to obtain the identification required to vote under this section;**

75 G A sincerely held religious belief; [or]

76 G My being born on or before January 1, 1941.

77

78 I understand that knowingly providing false information is a violation of law and subjects me to
79 possible criminal prosecution.

80

81 Signature of voter

82 Subscribed and affirmed before me this day of, 20....

83

84 Signature of election official"

85 [5.] 6. A voter shall be allowed to cast a provisional ballot under section 115.430 even
86 if the election judges cannot establish the voter's identity under [subsection 1 of] this section.
87 The election judges shall make a notation on the provisional ballot envelope to indicate that the
88 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
89 unless:

90 (1) The voter returns to the polling place during the uniform polling hours established
91 by section 115.407 and provides a form of personal identification that allows the election judges
92 to verify the voter's identity as provided in [subsection 1 of] this section; and

93 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

94 [6.] 7. The secretary of state shall provide advance notice of the personal identification
95 requirements of [subsection 1 of] this section in a manner calculated to inform the public
96 generally of the requirement for [photographic] **forms of** personal identification as provided in
97 this section. Such advance notice shall include, at a minimum, the use of advertisements and
98 public service announcements in print, broadcast television, radio, and cable television media,
99 as well as the posting of information on the opening pages of the official state Internet websites
100 of the secretary of state and governor.

101 [7.] 8. The provisions of section 136.055 and section 302.181 notwithstanding, **the state**
102 **shall provide at least one such form of the personal identification required to vote at no**
103 **cost to any otherwise qualified voter who does not already possess such identification and**
104 **who desires the identification in order to vote.** Any applicant who requests a nondriver's
105 license with a photograph or digital image for the purpose of voting shall not be required to pay
106 a fee if the applicant executes an affidavit averring that the applicant does not have any other
107 form of [photographic] personal identification that meets the requirements of [subsection 1 of]
108 this section. The state of Missouri shall pay the legally required fees for any such applicant. The
109 director shall design an affidavit to be used for this purpose. [However, any disabled or elderly
110 person otherwise competent to vote shall be issued a nondriver's license photo identification
111 through a mobile processing system operated by the Missouri department of revenue upon
112 request if the individual is physically unable to otherwise obtain a nondriver's license photo
113 identification. The department of revenue shall make nondriver's license photo identifications
114 available through its mobile processing system only at facilities licensed under chapter 198 and
115 other public places accessible to and frequented by disabled and elderly persons. The department
116 shall provide advance notice of the times and places when the mobile processing system will be
117 available. At least nine mobile units housed under the office of administration shall remain
118 available for dispatch upon the request of the department of revenue to fulfill the requirements
119 of this section.] The total cost associated with nondriver's license photo identification under this
120 subsection shall be borne by the state of Missouri from funds appropriated to the department of
121 revenue for that specific purpose. The department of revenue and a local election authority may
122 enter into a contract that allows the local election authority to assist the department in issuing
123 nondriver's license photo identifications.

124 [8.] 9. The director of the department of revenue shall, by January first of each year,
125 prepare and deliver to each member of the general assembly a report documenting the number
126 of individuals who have requested and received a nondriver's license photo identification for the
127 purposes of voting under this section. The report shall also include the number of persons
128 requesting a nondriver's license for purposes of voting under this section, but not receiving such
129 license, and the reason for the denial of the nondriver's license.

130 [9.] **10.** The precinct register shall serve as the voter identification certificate. The
 131 following form shall be printed at the top of each page of the precinct register: VOTER'S
 132 IDENTIFICATION CERTIFICATE Warning: It is against the law for anyone to vote, or attempt
 133 to vote, without having a lawful right to vote.

134 PRECINCT
 135 WARD OR TOWNSHIP
 136 GENERAL (SPECIAL, PRIMARY) ELECTION
 137 Held, 20....
 138 Date

139 I hereby certify that I am qualified to vote at this election by signing my name and verifying my
 140 address by signing my initials next to my address.

141 [10.] **11.** The secretary of state shall promulgate rules to effectuate the provisions of this
 142 section.

143 [11.] **12.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
 144 created under the authority delegated in this section shall become effective only if it complies
 145 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 146 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 147 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
 148 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 149 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

150 [12.] **13.** If any voter is unable to sign his name at the appropriate place on the certificate
 151 or computer printout, an election judge shall print the name and address of the voter in the
 152 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
 153 the voter's mark shall be witnessed by the signature of an election judge.

154 [13. For any election held on or before November 1, 2008, an individual who appears
 155 at a polling place without identification in the form described in subsection 1 of this section, and
 156 who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

157 (1) Executing an affidavit which is also signed by two supervising election judges, one
 158 from each major political party, who attest that they have personal knowledge of the identity of
 159 the voter, provided that the two supervising election judges who sign an affidavit under this
 160 subdivision shall not be involved or participate in the verification of the voter's eligibility by the
 161 election authority after the provisional ballot is cast; or

162 (2) (a) Executing an affidavit affirming his or her identity; and

163 (b) Presenting a form of identification from the following list:

164 a. Identification issued by the state of Missouri, an agency of the state, or a local election
 165 authority of the state;

166 b. Identification issued by the United States government or agency thereof;

167 c. Identification issued by an institution of higher education, including a university,
168 college, vocational and technical school, located within the state of Missouri;

169 d. A copy of a current utility bill, bank statement, government check, paycheck, or other
170 government document that contains the name and address of the voter; or

171 e. Driver's license or state identification card issued by another state. Such provisional
172 ballot shall be entitled to be counted, provided the election authority verifies the identity of the
173 individual by comparing that individual's signature to the current signature on file with the
174 election authority and determines that the individual was otherwise eligible to cast a ballot at the
175 polling place where the ballot was cast.

176 14. The affidavit to be used for voting under subsection 13 of this section shall be
177 substantially in the following form:

178 "State of

179 County of

180 I do solemnly swear (or affirm) that my name is; that I reside at; and
181 that I am the person listed in the precinct register under this name and at this address.

182 I understand that knowingly providing false information is a violation of law and subjects me
183 to possible criminal prosecution.

184

185 Signature of voter

186 Subscribed and affirmed before me this day of, 20....

187

188 Signature of Election Official".

189 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become
190 effective August 28, 2006, and this subsection shall expire September 1, 2006.]

Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general assembly
3 regarding the authorization of advance voting, photo identification, and voter registration
4 requirements by general law.

Section C. Notwithstanding any provision of section 1.140 to the contrary, the provisions
2 of section A of this act shall be nonseverable, and if any provision of section A of this act is held
3 to be invalid for any reason, such decision shall invalidate all of the remaining provisions of
4 section A of this act.