

FIRST REGULAR SESSION

HOUSE BILL NO. 660

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MARSHALL (Sponsor), WILSON, BRATTIN,
KOENIG AND SCHIEBER (Co-sponsors).

1524L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.135, 115.279, 115.291, and 115.427, RSMo, and to enact in lieu thereof four new sections relating to secure and fair elections.

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

Section A. Sections 115.135, 115.279, 115.291, and 115.427, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 115.135, 115.279, 115.291,
3 and 115.427, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote
2 on or before the day of election, shall be entitled to register in the jurisdiction within which he
3 or she resides. In order to vote in any election for which registration is required, a person must
4 be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the
5 normal closing time of any public building where the registration is being held if such time is
6 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an
7 interstate former resident, an intrastate new resident or a new resident, as defined in section
8 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth
9 Wednesday prior to the election. Any person registering after such date shall be eligible to vote
10 in subsequent elections.

11 2. **(1)** A person applying to register with an election authority or a deputy registration
12 official shall identify himself or herself by presenting **a form of personal identification that**
13 **provides evidence of United States citizenship, or a legible photocopy of such form of**
14 **personal identification. All such forms presented under this subsection shall be kept**

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.

15 **confidential by the election authority, shall be maintained as provided by records retention**
16 **provisions of state law, and shall include one of the following:**

17 (a) A copy of [a] the applicant's birth certificate[, a Native American tribal document,
18 other proof of United States citizenship,] **that verifies United States citizenship to the**
19 **satisfaction of the election authority;**

20 (b) A valid Missouri drivers license or [other form of personal identification at the time
21 of registration] **nondriver license, or a drivers license or nondriver identification card issued**
22 **by the equivalent governmental agency of another state within the United States if such**
23 **license or card indicates that the person has presented proof of United States citizenship**
24 **upon application for such license or card;**

25 (c) **Pertinent pages of the applicant's United States valid or expired passport**
26 **identifying the applicant and the applicant's passport number, or presentation to the**
27 **election authority of the applicant's United States passport;**

28 (d) **The applicant's United States naturalization documents or the number of the**
29 **certificate of naturalization. If only the number of the certificate of naturalization is**
30 **provided, the applicant's name shall not be included in the registration rolls until the**
31 **number of the certificate of naturalization is verified with the United States Citizenship**
32 **and Immigration Services, or its successor agency, by the election authority or the**
33 **secretary of state, under 8 U.S.C. Section 1373(c), as amended;**

34 (e) **Other documents or methods of proof of United States citizenship issued by the**
35 **federal government under the Immigration and Nationality Act of 1952, as amended;**

36 (f) **The applicant's Bureau of Indian Affairs card number, tribal treaty card**
37 **number, or tribal enrollment number;**

38 (g) **The applicant's consular report of birth abroad of a citizen of the United States;**

39 (h) **The applicant's certificate of citizenship issued by the United States Citizenship**
40 **and Immigration Services or its successor agency;**

41 (i) **The applicant's certification of report of birth issued by the United States**
42 **Department of State;**

43 (j) **The applicant's American Indian card, with KIC classification, issued by the**
44 **United States Department of Homeland Security;**

45 (k) **The applicant's final adoption decree showing the applicant's name and United**
46 **States birthplace;**

47 (l) **The applicant's official United States military record of service showing the**
48 **applicant's place of birth in the United States;**

49 (m) **An extract from a United States hospital record of birth created at the time of**
50 **the applicant's birth indicating the applicant's place of birth in the United States;**

51 **(n) Any other information or documentation related to an applicant's United States**
52 **citizenship if the state election board assesses such information or documentation as**
53 **satisfactory under this section.**

54 **(2) (a) Applications shall list voter eligibility requirements and such information**
55 **as is necessary to prevent duplicate voter registrations and enable the relevant election**
56 **authority to assess the eligibility of the applicant and to administer voter registration, to**
57 **identify the applicant, and to determine the qualifications of the applicant as an elector and**
58 **the facts authorizing such person to register to vote. Applications shall contain a statement**
59 **that the applicant shall be required to provide qualifying identification as required under**
60 **section 115.427 when voting.**

61 **(b) The secretary of state shall create a process for the local election authority to**
62 **indicate whether an applicant has provided with the application the information necessary**
63 **to assess the eligibility of the applicant, including evidence of such applicant's United States**
64 **citizenship as required under this section.**

65 **(c) The secretary of state or local election authority shall accept any completed**
66 **application for registration, but no applicant shall be registered until the applicant has**
67 **provided evidence of the applicant's United States citizenship as required under this**
68 **section. Such evidence shall be provided in person at the time of the filing of the**
69 **application for registration or, if registering by mail as provided in this chapter, by**
70 **including a photocopy of such evidence as provided by this section. After an applicant has**
71 **provided such evidence, the secretary of state or local election authority shall indicate that**
72 **the applicant has provided such evidence in the person's permanent voter information file.**
73 **Nothing in this subdivision shall be construed to prohibit an applicant from providing, or**
74 **to prohibit the secretary of state or local election authority from obtaining, evidence of the**
75 **applicant's United States citizenship as required by this section at a different time or in a**
76 **different manner than as such evidence is required to be provided under this section if the**
77 **applicant's eligibility to register can be adequately assessed by the secretary of state or the**
78 **local election authority as required by this section.**

79 **(d) Any person who is registered to vote in this state on the effective date of this act**
80 **shall be deemed to have provided evidence of United States citizenship and shall not be**
81 **required to provide such evidence under this act.**

82 **(e) For purposes of this section, proof of voter registration from another state shall**
83 **not be deemed to be satisfactory evidence of United States citizenship as required under**
84 **this section.**

85 **(f) No registered voter who moves from one residence to another within the state**
86 **or who modifies such voter's registration information as provided in this chapter for any**

87 other reason shall be required to provide evidence of United States citizenship upon
88 registering to vote after such move or change of registration information.

89 (g) a. If the secretary of state or local election authority deems evidence of United
90 States citizenship submitted by an applicant to be unsatisfactory under this section because
91 of an inconsistency between the document submitted as evidence and the name or sex
92 provided on the application for registration, such applicant may sign an affidavit
93 containing both of the following:

94 (i) A statement of the inconsistency related to the name or sex and the reason for
95 the inconsistency; and

96 (ii) An oath or affirmation that, despite the inconsistency, the applicant is the
97 individual reflected in the document provided as evidence of United States citizenship.

98 b. If an affidavit is submitted under this paragraph, the secretary of state or the
99 local election authority shall assess the eligibility of the applicant without regard to such
100 inconsistency.

101 c. There shall be no inconsistency between the date of birth on the document
102 provided as evidence of United States citizenship and the date of birth provided on the
103 application for registration.

104 (h) All documents submitted as evidence of United States citizenship shall be kept
105 confidential by the election authority and shall be maintained as provided by records
106 retention provisions of state law.

107 (i) No eligible applicant whose qualifications have been assessed shall be denied
108 registration.

109 (j) This subdivision shall be interpreted and applied in accordance with federal law.

110 3. Except as provided in federal law or federal elections and in section 115.277, no
111 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
112 or her residence prior to the deadline to register to vote.

113 4. (1) There is hereby established the "State Election Board", which shall consist
114 of the secretary of state, the attorney general, and the lieutenant governor. The board shall
115 meet upon the call of the secretary of state to assess information or documentation
116 provided by an applicant for voter registration as evidence of the applicant's United States
117 citizenship as required under this section.

118 (2) Any applicant who is a United States citizen but does not have any of the
119 documentation listed in this section as satisfactory evidence of United States citizenship
120 may submit any evidence that such applicant believes demonstrates the applicant's United
121 States citizenship. Any applicant seeking an assessment of evidence under this subdivision
122 may directly contact the elections division of the secretary of state by submitting a voter

123 registration application or form as described by this section and any supporting evidence
124 of United States citizenship. Upon receipt of this information, the secretary of state shall
125 notify the state election board that such application is pending and shall give the applicant
126 an opportunity for a hearing and an opportunity to present any additional evidence to the
127 board. Notice of such hearing shall be given to the applicant at least five days before the
128 hearing date. An applicant shall have the opportunity to be represented by counsel at such
129 hearing. The board shall assess the evidence provided by the applicant to determine
130 whether the applicant has provided satisfactory evidence of United States citizenship. Any
131 decision of the board shall be determined by a majority vote of the board. If an applicant
132 submits an application and any supporting evidence before the close of registration for an
133 election cycle, a determination by the board shall be issued at least five days before such
134 election date. If the board finds that the evidence presented by such applicant constitutes
135 satisfactory evidence of United States citizenship, such applicant shall be deemed to have
136 met the requirements under this section to provide satisfactory evidence of United States
137 citizenship. If the board finds that the evidence presented by an applicant does not
138 constitute satisfactory evidence of United States citizenship, such applicant shall have the
139 right to appeal such determination by the board by instituting an action under 8 U.S.C.
140 Section 1503, as amended. Any negative assessment of an applicant's eligibility by the
141 board shall be reversed if the applicant obtains a declaratory judgment under 8 U.S.C.
142 Section 1503, as amended, demonstrating that such applicant is a national of the United
143 States.

144 **5. The department of health and senior services shall not charge or accept any fee**
145 **for a certified copy of a birth certificate if the certificate is requested by any person who**
146 **is seventeen years of age or older for purposes of meeting the voter registration**
147 **requirements of this section. Such person shall submit an affidavit that such person plans**
148 **to register to vote in this state and that such person does not possess any of the documents**
149 **that constitute evidence of United States citizenship under this section. The affidavit shall**
150 **specifically list the documents that constitute evidence of United States citizenship under**
151 **this section. The department of health and senior services may promulgate rules to**
152 **implement the provisions of this subsection.**

153 **6. Each county shall designate a county office or department to provide assistance**
154 **at no charge to any person applying for a birth certificate from the department of health**
155 **and senior services for the purpose of registering to vote. Such county offices or**
156 **departments shall transmit the necessary forms to the department at no cost to the**
157 **applicant.**

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, **current and valid drivers license number or nondriver license number**, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. **If the voter has no drivers license or nondriver license, the voter shall also provide a photocopy of any other personal identification required under section 115.427.** Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. Except as provided in subsection 3 of section 115.281, all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

37 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
38 resides outside the boundaries of the United States or who is on active duty with the Armed
39 Forces of the United States or members of their immediate family living with them may request
40 an absentee ballot for both the primary and subsequent general election with one application.

41 (2) The election authority shall provide each absent uniformed services voter and each
42 overseas voter who submits a voter registration application or an absentee ballot request, if the
43 election authority rejects the application or request, with the reasons for the rejection.

44 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
45 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
46 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
47 ballot, or other election-related materials.

48 (4) Not later than sixty days after the date of each regularly scheduled general election
49 for federal office, each election authority which administered the election shall submit to the
50 secretary of state in a format prescribed by the secretary a report on the combined number of
51 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
52 voters for the election. The secretary shall submit to the Election Assistance Commission a
53 combined report of such information not later than ninety days after the date of each regularly
54 scheduled general election for federal office and in a standardized format developed by the
55 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
56 available to the general public.

57 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
58 voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

59 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
60 shall be submitted in person by the applicant in the office of the election authority in the election
61 jurisdiction in which such applicant resides. The application shall be received by the election
62 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
63 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
64 officer of the election authority, and in substantially the following form:

65 "STATE OF.....
66 COUNTY OF....., ss.

67 I,....., do solemnly swear that:

68 (1) Before becoming a resident of this state, I resided at
69 (residence address) in (town, township,
70 village or city) of County in the state of

71 (2) I moved to this state after the last day to register to vote in such general presidential
72 election and I am now residing in the county of, state of Missouri;

73 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
74 election to be held November, (year);

75 (4) I hereby make application for a presidential and vice presidential ballot. I have not
76 voted and shall not vote other than by this ballot at such election.

77 Signed

78 (Applicant)

79

80 (Residence Address)

81 Subscribed and sworn to before me this day of,

82 Signed

83 (Title and name of officer authorized to administer oaths)"

84 7. The election authority in whose office an application is filed pursuant to subsection
85 6 of this section shall immediately send a duplicate of such application to the appropriate official
86 of the state in which the new resident applicant last resided and shall file the original of such
87 application in its office.

88 8. An application for an absentee ballot by an intrastate new resident, as defined in
89 section 115.275, shall be made in person by the applicant in the office of the election authority
90 in the election jurisdiction in which such applicant resides. The application shall be received by
91 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
92 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
93 an authorized officer of the election authority, and in substantially the following form:

94 "STATE OF

95 COUNTY OF, ss.

96 I,, do solemnly swear that:

97 (1) Before becoming a resident of this election jurisdiction, I resided at
98 (residence address) in (town, township, village or city)
99 of county in the state of

100 (2) I moved to this election jurisdiction after the last day to register to vote in such
101 election;

102 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
103 held (date);

104 (4) I hereby make application for an absentee ballot for candidates and issues on which
105 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
106 than by this ballot at such election.

107 Signed

108 (Applicant)

109
 110 (Residence Address)
 111 Subscribed and sworn to before me this day of,

112 Signed
 113 (Title and name of officer authorized to administer oaths)"

114 9. An application for an absentee ballot by an interstate former resident, as defined in
 115 section 115.275, shall be received in the office of the election authority where the applicant was
 116 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
 117 application is made in person by the applicant in the office of the election authority, in which
 118 case such application shall be made no later than 7:00 p.m. on the day of the election.

119 **10. Except as provided by law, no person shall knowingly intercept, interfere with,**
 120 **or delay the transmission of absentee ballots that are mailed in from the local election**
 121 **authority to the voter.**

122 **11. (1) No local election authority shall provide an absentee ballot to any person**
 123 **requesting an absentee ballot to be delivered by mail unless the local election authority**
 124 **verifies the signature of the person requesting the ballot matches the signature on file in**
 125 **the person's voter registration information and the person provides the person's full**
 126 **drivers license number or nondriver license number or a photocopy of personal**
 127 **identification required under section 115.427.**

128 **(2) Signature verification under this section may occur by electronic device or**
 129 **human inspection. In the event that the signature of a person who is requesting an**
 130 **absentee ballot does not match the signature on file, the local election authority shall**
 131 **attempt to contact the person and shall offer the person another opportunity to provide the**
 132 **person's signature for the purposes of verifying the person's identity. If the local election**
 133 **authority is unable to contact the person, the local election authority may transmit a**
 134 **provisional absentee ballot, but such provisional absentee ballot shall not be counted unless**
 135 **the person includes a signature that can be verified as provided in this subdivision.**

136 **(3) If a person applies for an absentee ballot to be transmitted to the person by mail**
 137 **but fails to provide a form of personal identification required under section 115.427 or**
 138 **such personal identification provided cannot be verified by the local election authority, the**
 139 **local election authority shall provide information to such person regarding the provisional**
 140 **ballot process and shall provide the person with an opportunity to provide such personal**
 141 **identification.**

142 **12. All state offices and offices of any political subdivision of the state shall allow**
 143 **any person seeking to vote by absentee ballot the use of a photocopying device to make one**
 144 **photocopy of personal identification required under section 115.427 at no cost.**

115.291. 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark
2 the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 or the voter is an absent uniformed services voter or an overseas voter. If the voter is blind,
8 unable to read or write the English language, or physically incapable of voting the ballot, the
9 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who
10 is not entitled to such assistance, and any person who assists a voter and in any manner coerces
11 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on
12 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
13 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
14 unlawful assistance, the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, [or] in person by a [relative of the voter who is within the second degree of
18 consanguinity or affinity] **person designated in writing by the voter at the time the request
19 for an absentee ballot is made, or** by mail or registered carrier [or by a team of deputy election
20 authorities;], except that persons in federal service, when sent from a location determined by the
21 secretary of state to be inaccessible on election day, shall be allowed to return their absentee
22 ballots cast by use of facsimile transmission or under a program approved by the Department of
23 Defense for electronic transmission of election materials. **Any person designated by the voter
24 to return the absentee ballot under this subsection shall also sign a statement that the
25 designee has not exercised any undue influence on the voting decisions of the voter than
26 that such designee agrees to deliver the ballot as directed by the voter.**

27 3. In cases of an emergency declared by the President of the United States or the
28 governor of this state where the conduct of an election may be affected, the secretary of state may
29 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
30 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
31 voters as provided for by the secretary of state.

32 4. No election authority shall refuse to accept and process any otherwise valid marked
33 absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter
34 solely on the basis of restrictions on envelope type.

35 5. As provided in the Military and Overseas Voter Empowerment Act, the secretary of
36 state shall, in coordination with local election authorities, develop a free access system by which

37 an absent uniformed services voter or overseas voter may determine whether the voter's absentee
38 ballot has been received by the appropriate election authority.

115.427. 1. **Except as provided in subsection 4 of this section**, before receiving a
2 ballot, voters shall establish their identity and eligibility to vote at the polling place by presenting
3 **[a] an unexpired** form of personal identification, **except that expired forms of personal**
4 **identification described in this section shall be deemed valid for purposes of this section if**
5 **the bearer is sixty-five years of age or older.** "Personal identification" shall mean only one of
6 the following:

7 (1) Nonexpired [Missouri] driver's license **issued by any state or district of the United**
8 **States** showing the name and a photograph or digital 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) [A document that satisfies all of the following requirements:

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

15 (b) The document shows a photographic or digital image of the individual;

16 (c) The document includes an expiration date, and the document is not expired, or if
17 expired, expired not before the date of the most recent general election; and

18 (d) The document was issued by the United States or the state of Missouri] **A state**
19 **identification card issued by any state or district of the United States;** or

20 (4) [Any identification containing a photographic or digital image of the individual
21 which is issued by the Missouri National Guard, the United States Armed Forces, or the United
22 States Department of Veteran Affairs to a member or former member of the Missouri National
23 Guard or the United States Armed Forces and that does not have an expiration date] **A concealed**
24 **carry of handgun license or a concealed carry of handgun or weapon license issued by any**
25 **state or district of the United States;** or

26 (5) **A United States passport;** or

27 (6) **An employee badge or identification document issued by a municipal, county,**
28 **state, or federal government office or agency of the United States;** or

29 (7) **A military identification document issued by the United States;** or

30 (8) **A student identification card issued by a public postsecondary institution of**
31 **education;** or

32 (9) **A public assistance identification card issued by a municipal, county, state, or**
33 **federal government office or agency of the United States.**

34 2. [The 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 may also inform such voters by written or oral
 40 communication of such information posted in the notice. Voters who return to the polling place
 41 during the uniform polling hours established by section 115.407 with a current and valid form
 42 of personal identification shall be given priority in any voting lines.

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

- 48 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
- 49 competent to vote under Missouri law; or
- 50 (2) A sincerely held religious belief against the forms of personal identification described
- 51 in subsection 1 of this section; or
- 52 (3) The voter being born on or before January 1, 1941.

53
 54 Upon executing such affidavit, the individual may cast a provisional ballot. Such provisional
 55 ballot shall be counted, provided the election authority verifies the identity of the individual by
 56 comparing that individual's signature to the signature on file with the election authority and
 57 determines that the individual was eligible to cast a ballot at the polling place where the ballot
 58 was cast.

59 4. The affidavit to be used for voting under subsection 3 of this section shall be
 60 substantially in the following form:

61 "State of County of
 62 I do solemnly swear (or affirm) that my name is; that I reside at
 63; and that I am the person listed in the precinct register under this name
 64 and at this address. I further swear (or affirm) that I am unable to obtain a current and valid form
 65 of personal identification because of:

- 66 A physical or mental disability or handicap; or
- 67 A sincerely held religious belief; or
- 68 My being born on or before January 1, 1941.

69

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

72

73

74 Signature of voter

75

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

77

78

79 Signature of election official"

80 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the
81 election judges cannot establish the voter's identity under subsection 1 of this section. The
82 election judges shall make a notation on the provisional ballot envelope to indicate that the
83 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
84 unless:

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

88 (2) The provisional ballot otherwise qualifies to be counted under section 115.430] **An
89 election judge at the polling location shall request a valid form of personal identification
90 from each person desiring to vote. A person desiring to vote shall provide to the election
91 judge at the polling location a valid form of personal identification. If the election judge
92 is satisfied that the voter is the person depicted in the form of personal identification, the
93 election judge shall place such judge's initials in the space provided and allow the voter to
94 vote.**

95 **3. If the voter is unable or refuses to provide a form of personal identification, the
96 voter may vote a provisional ballot. If the voter's name and address do not match the
97 voter's name and address in the Missouri voter registration system, the voter may vote a
98 provisional ballot. The voter shall provide a valid form of personal identification to the
99 local election authority in person or provide a copy by mail or electronic means before the
100 meeting of the verification board as provided in this chapter. At the meeting of the
101 verification board, the local election authority shall present copies of documents received
102 from provisional voters and the corresponding provisional ballots. If the verification
103 board determines that a voter's document is a valid form of personal identification and the
104 provisional ballot was properly cast, the ballot shall be counted.**

105 **4. (1) The following persons are exempt from the photographic forms of personal**
106 **identification required under this section:**

107 **(a) Any person with a permanent physical disability that makes it impossible for**
108 **such person to travel to a county or state office to obtain a form of personal identification**
109 **and who have qualified for the absentee voting process established for persons with**
110 **permanent disabilities under section 115.284;**

111 **(b) Any member of the uniformed service on active duty who, by reason of such**
112 **active duty, is absent from the county on election day;**

113 **(c) Any member of the merchant marine who, by reason of service in the merchant**
114 **marine, is absent from the county on election day;**

115 **(d) Any spouse or dependent of any member listed in paragraph (b) or (c) of this**
116 **subdivision who, by reason of such member's active duty or service, is absent from the**
117 **county on election day; and**

118 **(e) Any voter whose religious beliefs prohibit photographic identification.**

119 **(2) Any person seeking an exemption under paragraph (e) of subdivision (1) of this**
120 **subsection shall complete and transmit a declaration concerning such religious beliefs to**
121 **the local election authority or the secretary of state. Such declaration form shall be**
122 **available on the official website of the secretary of state.**

123 **5. No fee shall be charged to or accepted from any applicant who requests a**
124 **certified copy of a birth certificate if such copy is requested by a person who is seventeen**
125 **years of age or older for the purposes of obtaining a fee-waived nondriver license in order**
126 **to meet the voting requirements under this section. Such person shall swear or affirm that**
127 **such person is registered to vote in the state and that such person has executed the affidavit**
128 **required under subsection 7 of this section.**

129 6. The secretary of state shall provide advance notice of the personal identification
130 requirements of subsection 1 of this section in a manner calculated to inform the public generally
131 of the requirement for photographic personal identification as provided in this section. Such
132 advance notice shall include, at a minimum, the use of advertisements and public service
133 announcements in print, broadcast television, radio, and cable television media, as well as the
134 posting of information on the opening pages of the official state internet websites of the secretary
135 of state and governor.

136 7. The provisions of section 136.055 and section 302.181 notwithstanding, any applicant
137 who **is seventeen years of age or older and who** requests a nondriver's license with a
138 photograph or digital image for the purpose of voting shall not be required to pay a fee if the
139 applicant executes an affidavit averring that the applicant does not have any other form of
140 photographic personal identification that meets the requirements of subsection 1 of this section

141 **and produces evidence that the applicant is registered to vote in this state.** [The state of
 142 Missouri shall pay the legally required fees for any such applicant.] The director shall design an
 143 affidavit to be used for this purpose, **and such affidavit shall specifically list the acceptable**
 144 **forms of personal identification as provided in this section.** [However, any disabled or
 145 elderly person otherwise competent to vote shall be issued a nondriver's license photo
 146 identification through a mobile processing system operated by the Missouri department of
 147 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's
 148 license photo identification. The department of revenue shall make nondriver's license photo
 149 identifications available through its mobile processing system only at facilities licensed under
 150 chapter 198 and other public places accessible to and frequented by disabled and elderly persons.
 151 The department shall provide advance notice of the times and places when the mobile processing
 152 system will be available. At least nine mobile units housed under the office of administration
 153 shall remain available for dispatch upon the request of the department of revenue to fulfill the
 154 requirements of this section. The total cost associated with nondriver's license photo
 155 identification under this subsection shall be borne by the state of Missouri from funds
 156 appropriated to the department of revenue for that specific purpose. The department of revenue
 157 and a local election authority may enter into a contract that allows the local election authority to
 158 assist the department in issuing nondriver's license photo identifications.]

159 8. The director of the department of revenue shall, by January first of each year, prepare
 160 and deliver to each member of the general assembly a report documenting the number of
 161 individuals who have requested and received a nondriver's license photo identification for the
 162 purposes of voting under this section. The report shall also include the number of persons
 163 requesting a nondriver's license for purposes of voting under this section, but not receiving such
 164 license, and the reason for the denial of the nondriver's license.

165 9. The precinct register shall serve as the voter identification certificate. The following
 166 form shall be printed at the top of each page of the precinct register:

167 VOTER'S IDENTIFICATION CERTIFICATE

168

169 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful
 170 right to vote.

171 PRECINCT

172 WARD OR TOWNSHIP

173 GENERAL (SPECIAL, PRIMARY) ELECTION

174

175 Held, 20....

176 Date

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

179 10. The secretary of state shall promulgate rules to effectuate the provisions of this
180 section.

181 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
182 created under the authority delegated in this section shall become effective only if it complies
183 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
184 This section and chapter 536 are nonseverable and if any of the powers vested with the general
185 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
186 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
187 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

188 12. If any voter is unable to sign his name at the appropriate place on the certificate or
189 computer printout, an election judge shall print the name and address of the voter in the
190 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
191 the voter's mark shall be witnessed by the signature of an election judge.

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

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

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

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

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

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

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

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

209 e. Driver's license or state identification card issued by another state.

210

211 Such provisional ballot shall be entitled to be counted, provided the election authority verifies
212 the identity of the individual by comparing that individual's signature to the current signature on

213 file with the election authority and determines that the individual was otherwise eligible to cast
214 a ballot at the polling place where the ballot was cast.

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

217

218 "State of County of"

219

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

222

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

225

226

227 Signature of voter

228

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

230

231

232 Signature of Election Official".

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

Section B. This act may be known and shall be cited as the "Safe and Fair Elections
2 (SAFE) Act."

