

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1104

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor) AND SMITH (150) (Co-sponsor).

4521L.02P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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

Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

39 [3.] 4. An individual who appears at a polling place without **a form of personal**  
40 **identification** [in the form] described in [subsection 1 of] this section and who is otherwise  
41 qualified to vote at that polling place may execute an affidavit averring that the voter is the  
42 person listed in the precinct register [and that the voter] , does not possess a form of **personal**  
43 **identification** specified in this section, and is unable to obtain a current and valid form of  
44 **personal identification** because of:

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

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

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

51 [3] (4) The voter being born on or before January 1, 1941.

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

57 [4.] 5. The affidavit to be used for voting under subsection 3 of this section shall be  
58 substantially in the following form:

59 "State of .....

60 County of .....

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

65  A physical or mental disability or handicap;[or]

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

68  A sincerely held religious belief; [or]

69  My being born on or before January 1, 1941.

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

72 .....

73 Signature of voter

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

75 .....

76 Signature of election official"

77 [5.] 6. A voter shall be allowed to cast a provisional ballot under section 115.430 even  
78 if the election judges cannot establish the voter's identity under [subsection 1 of] this section.  
79 The election judges shall make a notation on the provisional ballot envelope to indicate that the  
80 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted  
81 unless:

82 (1) The voter returns to the [polling place during the uniform polling hours established  
83 by section 115.407] **election authority within three days after the election** and provides a form  
84 of personal identification that allows the election [judges] **authority** to verify the voter's identity  
85 as provided in [subsection 1 of] this section; and

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

87 [6.] 7. The secretary of state shall provide advance notice of the personal identification  
88 requirements of [subsection 1 of] this section in a manner calculated to inform the public  
89 generally of the requirement for [photographic] **forms of** personal identification as provided in  
90 this section. Such advance notice shall include, at a minimum, the use of advertisements and  
91 public service announcements in print, broadcast television, radio, and cable television media,  
92 as well as the posting of information on the opening pages of the official state Internet websites  
93 of the secretary of state and governor.

94 [7.] 8. The provisions of section 136.055 and section 302.181 notwithstanding, **the state**  
95 **and all fee offices shall provide at least one such form of the personal identification**  
96 **required to vote at no cost to any otherwise qualified voter who does not already possess**  
97 **such identification and who desires the identification in order to vote.** Any applicant who  
98 requests a nondriver's license with a photograph or digital image for the purpose of voting shall  
99 not be required to pay a fee if the applicant executes an affidavit averring that the applicant does  
100 not have any other form of [photographic] personal identification that meets the requirements  
101 of [subsection 1 of] this section. The state of Missouri shall pay the legally required fees for any  
102 such applicant. The director shall design an affidavit to be used for this purpose. [However, any  
103 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo  
104 identification through a mobile processing system operated by the Missouri department of  
105 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's  
106 license photo identification. The department of revenue shall make nondriver's license photo  
107 identifications available through its mobile processing system only at facilities licensed under  
108 chapter 198 and other public places accessible to and frequented by disabled and elderly persons.  
109 The department shall provide advance notice of the times and places when the mobile processing  
110 system will be available. At least nine mobile units housed under the office of administration  
111 shall remain available for dispatch upon the request of the department of revenue to fulfill the  
112 requirements of this section.] The total cost associated with nondriver's license photo  
113 identification under this subsection shall be borne by the state of Missouri from funds  
114 appropriated to the department of revenue for that specific purpose. The department of revenue  
115 and a local election authority may enter into a contract that allows the local election authority to  
116 assist the department in issuing nondriver's license photo identifications.

117 [8.] 9. The director of the department of revenue shall, by January first of each year,  
118 prepare and deliver to each member of the general assembly a report documenting the number  
119 of individuals who have requested and received a nondriver's license photo identification for the  
120 purposes of voting under this section. The report shall also include the number of persons  
121 requesting a nondriver's license for purposes of voting under this section, but not receiving such  
122 license, and the reason for the denial of the nondriver's license.

123 [9.] 10. The precinct register shall serve as the voter identification certificate. The  
124 following form shall be printed at the top of each page of the precinct register: VOTER'S  
125 IDENTIFICATION CERTIFICATE Warning: It is against the law for anyone to vote, or attempt  
126 to vote, without having a lawful right to vote.

127 PRECINCT  
128 WARD OR TOWNSHIP .....  
129 GENERAL (SPECIAL, PRIMARY) ELECTION  
130 Held ....., 20.....  
131 Date

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

134 [10.] 11. The secretary of state shall promulgate rules to effectuate the provisions of this  
135 section.

136 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, that  
137 is created under the authority delegated in this section shall become effective only if it complies  
138 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
139 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
140 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
141 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
142 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

143 [12.] 13. If any voter is unable to sign his name at the appropriate place on the certificate  
144 or computer printout, an election judge shall print the name and address of the voter in the  
145 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
146 the voter's mark shall be witnessed by the signature of an election judge.

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

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

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

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

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

- 159           b. Identification issued by the United States government or agency thereof;
- 160           c. Identification issued by an institution of higher education, including a university,
- 161 college, vocational and technical school, located within the state of Missouri;
- 162           d. A copy of a current utility bill, bank statement, government check, paycheck, or other
- 163 government document that contains the name and address of the voter; or
- 164           e. Driver's license or state identification card issued by another state. Such provisional
- 165 ballot shall be entitled to be counted, provided the election authority verifies the identity of the
- 166 individual by comparing that individual's signature to the current signature on file with the
- 167 election authority and determines that the individual was otherwise eligible to cast a ballot at the
- 168 polling place where the ballot was cast.

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

171 "State of .....  
 172 County of .....  
 173 I do solemnly swear (or affirm) that my name is .....; that I reside at  
 174 .....; and that I am the person listed in the precinct register under this name and  
 175 at this address.

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

178 Signature of voter  
 179 Subscribed and affirmed before me this ..... day of ....., 20....  
 180 .....  
 181 Signature of Election Official".

182           15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become  
 183 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 and photo identification requirements for elections  
 4 by general law.

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

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