

FIRST REGULAR SESSION

HOUSE BILL NO. 339

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0868H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to verification of voter eligibility.

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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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 shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification. "Personal identification" shall mean only 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;

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

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

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

(4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States Armed Forces, or the United States

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 Department of Veteran Affairs to a member or former member of the Missouri National Guard
19 or the United States Armed Forces and that does not have an expiration date.

20 2. The election authority shall post a clear and conspicuous notice at each polling place
21 informing each voter who appears at the polling place without a form of personal identification
22 that satisfies the requirements of subsection 1 of this section that the voter may return to the
23 polling place with a proper form of personal identification and vote a regular ballot after election
24 judges have verified the voter's identity and eligibility under subsection 1 of this section. In
25 addition to such posting, the election judges may also inform such voters by written or oral
26 communication of such information posted in the notice. Voters who return to the polling place
27 during the uniform polling hours established by section 115.407 with a current and valid form
28 of personal identification shall be given priority in any voting lines.

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

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

36 (2) A sincerely held religious belief against the forms of personal identification described
37 in subsection 1 of this section; or

38 (3) The voter being born on or before January 1, 1941.

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

44 4. The affidavit to be used for voting under subsection 3 of this section shall be
45 substantially in the following form: "State of County of I do
46 solemnly swear (or affirm) that my name is; that I reside at;
47 and that I am the person listed in the precinct register under this name and at this address. I
48 further swear (or affirm) that I am unable to obtain a current and valid form of personal
49 identification because of:

50 A physical or mental disability or handicap; or

51 A sincerely held religious belief; or

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

53

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

56

57 Signature of voter

58 Subscribed and affirmed before me this day of

59, 20....

60

61 Signature of election official"

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

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

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

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

78 7. The provisions of section 136.055 and section 302.181 notwithstanding, any applicant
79 who requests a nondriver's license with a photograph or digital image for the purpose of voting
80 shall not be required to pay a fee if the applicant executes an affidavit averring that the applicant
81 does not have any other form of photographic personal identification that meets the requirements
82 of subsection 1 of this section. The state of Missouri shall pay the legally required fees for any
83 such applicant. The director shall design an affidavit to be used for this purpose. However, any
84 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo
85 identification through a mobile processing system operated by the Missouri department of
86 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's
87 license photo identification. The department of revenue shall make nondriver's license photo
88 identifications available through its mobile processing system only at facilities licensed under
89 chapter 198 and other public places accessible to and frequented by disabled and elderly persons.

90 The department shall provide advance notice of the times and places when the mobile processing
 91 system will be available. At least nine mobile units housed under the office of administration
 92 shall remain available for dispatch upon the request of the department of revenue to fulfill the
 93 requirements of this section. The total cost associated with nondriver's license photo
 94 identification under this subsection shall be borne by the state of Missouri from funds
 95 appropriated to the department of revenue for that specific purpose. The department of revenue
 96 and a local election authority may enter into a contract that allows the local election authority to
 97 assist the department in issuing nondriver's license photo identifications.

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

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

106 VOTER'S IDENTIFICATION CERTIFICATE Warning: It is against the law for anyone to vote,
 107 or attempt to vote, without having a lawful right to vote.

108 PRECINCT WARD OR TOWNSHIP GENERAL (SPECIAL,
 109 PRIMARY) ELECTION

110 Held, 20....

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

113 10. The secretary of state shall promulgate rules to effectuate the provisions of this
 114 section.

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

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

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

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

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

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

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

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

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

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

143 [e.] d. Driver's license or state identification card issued by another state. Such
144 provisional ballot shall be entitled to be counted, provided the election authority verifies the
145 identity of the individual by comparing that individual's signature to the current signature on file
146 with the election authority and determines that the individual was otherwise eligible to cast a
147 ballot at the polling place where the ballot was cast.

148 14. The affidavit to be used for voting under subsection 13 of this section shall be
149 substantially in the following form: "State of

150 County of

151 I do solemnly swear (or affirm) that my name is

152 that I reside at

153 and that I am the person listed in the precinct register under this name and at this address.

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

156 Signature of voter

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

158

159 Signature of Election Official".

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

